

able to produce documents mentioned in 3(a)(vi) of Chapter I, NBFCs may at their discretion open accounts subject to the following conditions:

- (a) Introduction from another account holder who has been subjected to full KYC procedure shall be obtained.
- (b) The introducer's account with the NBFC shall be at least six month old and shows satisfactory transactions.
- (c) Photograph of the customer who proposes to open the account and also his address shall be certified by the introducer, or any other evidence as to the identity and address of the customer to the satisfaction of the NBFC shall be obtained.
- (d) balances in all their accounts taken together shall not exceed rupees fifty thousand at any point of time
- (e) the total credit in all the accounts taken together shall not exceed rupees one lakh in a year.
- (f) The customer shall be made aware that no further transactions will be permitted until the full KYC procedure is completed in case Directions (iv) and (v) are breached by him.
- (g) The customer shall be notified when the balance reaches rupees forty thousand or the total credit in a year reaches rupees eighty thousand that appropriate documents for conducting the KYC must be submitted otherwise the operations in the account shall be stopped when the total balance in all the accounts taken together exceeds the limits prescribed in direction (d) and (e) above.

25. If an existing KYC compliant customer of a RE desires to open another account with the same RE, there shall be no need for a fresh CDD exercise.

26. KYC verification once done by one branch/office of the RE shall be valid for transfer of the account to any other branch/office of the same RE, provided full KYC verification has already been done for the concerned account and the same is not due for periodic updation and a self-declaration from the account holder about his/her current address is obtained in such cases.

Part II - CDD Measures for Sole Proprietary firms

27. For opening an account in the name of a sole proprietary firm, a certified copy of an OVD as mentioned at Section 3(a) (vi) of Chapter I, containing details of identity and address of the individual (proprietor) shall be obtained.
28. In addition to the above, any two of the following documents as a proof of business/ activity in the name of the proprietary firm shall also be obtained:
- (a) Registration certificate
 - (b) Certificate/licence issued by the municipal authorities under Shop and Establishment Act.
 - (c) Sales and income tax returns.
 - (d) CST/VAT certificate.
 - (e) Certificate/registration document issued by Sales Tax/Service Tax/Professional Tax authorities.
 - (f) IEC (Importer Exporter Code) issued to the proprietary concern by the office of DGFT / Licence/certificate of practice issued in the name of the proprietary concern by any professional body incorporated under a statute.
 - (g) Complete Income Tax Return (not just the acknowledgement) in the name of the sole proprietor where the firm's income is reflected, duly authenticated/acknowledged by the Income Tax authorities.
 - (h) Utility bills such as electricity, water, and landline telephone bills.
29. In cases where the REs are satisfied that it is not possible to furnish two such documents, REs may, at their discretion, accept only one of those documents as proof of business/activity.
- Provided REs undertake contact point verification and collect such other information and clarification as would be required to establish the existence of such firm, and shall confirm and satisfy itself that the business activity has been verified from the address of the proprietary concern.

Part III- CDD Measures for Legal Entities

30. For opening an account of a company, one certified copy of each of the following documents shall be obtained:
- (a) Certificate of incorporation.
 - (b) Memorandum and Articles of Association.

- (c) A resolution from the Board of Directors and power of attorney granted to its managers, officers or employees to transact on its behalf.
 - (d) Officially valid documents in respect of managers, officers or employees holding an attorney to transact on its behalf.
31. For opening an account of a partnership firm, one certified copy of each of the following documents shall be obtained:
- (a) Registration certificate.
 - (b) Partnership deed.
 - (c) Officially valid documents in respect of the person holding an attorney to transact on its behalf.
32. For opening an account of a trust, one certified copy of each of the following documents shall be obtained:
- (a) Registration certificate.
 - (b) Trust deed.
 - (c) Officially valid documents in respect of the person holding a power of attorney to transact on its behalf.
33. For opening an account of an unincorporated association or a body of individuals, one certified copy of each of the following documents shall be obtained:
- (a) resolution of the managing body of such association or body of individuals;
 - (b) power of attorney granted to transact on its behalf;
 - (c) Officially valid documents in respect of the person holding an attorney to transact on its behalf and
 - (d) such information as may be required by the RE to collectively establish the legal existence of such an association or body of individuals.

Explanation: Unregistered trusts/partnership firms shall be included under the term 'unincorporated association'.

Explanation: Term 'body of individuals' includes societies.

33A For opening accounts of juridical persons not specifically covered in the earlier part, such as Government or its Departments, societies, universities and local bodies like village panchayats, one certified copy of the following documents shall be obtained.:

- i. Document showing name of the person authorised to act on behalf of the entity;
- ii. Officially valid documents for proof of identity and address in respect of the person holding an attorney to transact on its behalf and
- iii. Such documents as may be required by the RE to establish the legal existence of such an entity/juridical person.

Part IV - Identification of Beneficial Owner

34. For opening an account of a Legal Person who is not a natural person, the beneficial owner(s) shall be identified and all reasonable steps in terms of Rule 9(3) of the Rules to verify his/her identity shall be undertaken keeping in view the following:
- (a) Where the customer or the owner of the controlling interest is a company listed on a stock exchange, or is a subsidiary of such a company, it is not necessary to identify and verify the identity of any shareholder or beneficial owner of such companies.
 - (b) In cases of trust/nominee or fiduciary accounts whether the customer is acting on behalf of another person as trustee/nominee or any other intermediary is determined. In such cases, satisfactory evidence of the identity of the intermediaries and of the persons on whose behalf they are acting, as also details of the nature of the trust or other arrangements in place shall be obtained.

Part V - On-going Due Diligence

35. REs shall undertake on-going due diligence of customers to ensure that their transactions are consistent with their knowledge about the customers, customers' business and risk profile; and the source of funds.
36. Without prejudice to the generality of factors that call for close monitoring following types of transactions shall necessarily be monitored:
- a) Large and complex transactions including RTGS transactions, and those with unusual patterns, inconsistent with the normal and expected activity of

the customer, which have no apparent economic rationale or legitimate purpose.

- b) Transactions which exceed the thresholds prescribed for specific categories of accounts.
- c) High account turnover inconsistent with the size of the balance maintained.
- d) Deposit of third party cheques, drafts, etc. in the existing and newly opened accounts followed by cash withdrawals for large amounts.

37. The extent of monitoring shall be aligned with the risk category of the customer.

Explanation: High risk accounts have to be subjected to more intensified monitoring.

- (a) A system of periodic review of risk categorisation of accounts, with such periodicity being at least once in six months, and the need for applying enhanced due diligence measures shall be put in place.
- (b) The transactions in accounts of marketing firms, especially accounts of Multi-level Marketing (MLM) Companies shall be closely monitored.

Explanation: Cases where a large number of cheque books are sought by the company and/or multiple small deposits (generally in cash) across the country in one bank account and/or where a large number of cheques are issued bearing similar amounts/dates, shall be immediately reported to Reserve Bank of India and other appropriate authorities such as FIU-IND.

38. Periodic Updation

Periodic updation shall be carried out at least once in every two years for high risk customers, once in every eight years for medium risk customers and once in every ten years for low risk customers subject to the following conditions:

- (a) Fresh proofs of identity and address shall not be sought at the time of periodic updation, from customers who are categorised as 'low risk', when there is no change in status with respect to their identities and addresses and a self-certification to that effect is obtained.
- (b) A certified copy of the proof of address forwarded by 'low risk' customers through mail/post, etc., in case of change of address shall be acceptable.
- (c) Physical presence of low risk customer at the time of periodic updation shall not be insisted upon.

- (d) The time limits prescribed above would apply from the date of opening of the account/ last verification of KYC.
- (e) Fresh photographs shall be obtained from customer for whom account was opened when they were minor, on their becoming a major.
- (f) e-KYC process using OTP based authentication, for the purpose of periodic updation is allowed, provided, while onboarding, the customer was subjected to KYC process as specified in Section 16 or Section 17.

39. Partial freezing and closure of accounts

- (a) Where REs are unable to comply with the CDD requirements mentioned at Part I to V above, they shall not open accounts, commence business relations or perform transactions. In case of existing business relationship which is not KYC compliant, banks shall ordinarily take step to terminate the existing business relationship after giving due notice.
- (b) As an exception to the Rule, banks shall have an option to choose not to terminate business relationship straight away and instead opt for a phased closure of operations in this account as explained below:
 - i. The option of 'partial freezing' shall be exercised after giving due notice of three months to the customers to comply with KYC requirements.
 - ii. A reminder giving a further period of three months shall also be given.
 - iii. Thereafter, 'partial freezing' shall be imposed by allowing all credits and disallowing all debits with the freedom to close the accounts in case of the account being KYC non-compliant after six months of issuing first notice.
 - iv. All debits and credits from/ to the accounts shall be disallowed, in case of the account being KYC non-compliant after six months of imposing 'partial freezing',
 - v. The account holders shall have the option, to revive their accounts by submitting the KYC documents.
- (c) When an account is closed whether without 'partial freezing' or after 'partial freezing', the reason for that shall be communicated to account holder.

Part VI - Enhanced and Simplified Due Diligence Procedure

A. Enhanced Due Diligence

40. Accounts of non-face-to-face customers: REs shall include additional procedures i.e., certification of all the documents presented, calling for additional documents and the first payment to be effected through the customer's KYC-complied account with another RE, for enhanced due diligence of non-face to face customers.

41. Accounts of Politically Exposed Persons (PEPs)

A. REs shall have the option of establishing a relationship with PEPs provided that:

- (a) sufficient information including information about the sources of funds accounts of family members and close relatives is gathered on the PEP;
- (b) the identity of the person shall have been verified before accepting the PEP as a customer;
- (c) the decision to open an account for a PEP is taken at a senior level in accordance with the REs' Customer Acceptance Policy;
- (d) all such accounts are subjected to enhanced monitoring on an on-going basis;
- (e) in the event of an existing customer or the beneficial owner of an existing account subsequently becoming a PEP, senior management's approval is obtained to continue the business relationship;
- (f) the CDD measures as applicable to PEPs including enhanced monitoring on an on-going basis are applicable.

B. These instructions shall also be applicable to accounts where a PEP is the beneficial owner

42. Client accounts opened by professional intermediaries:

REs shall ensure while opening client accounts through professional intermediaries, that:

- a) Clients shall be identified when client account is opened by a professional intermediary on behalf of a single client.

- b) REs shall have option to hold 'pooled' accounts managed by professional intermediaries on behalf of entities like mutual funds, pension funds or other types of funds.
- c) REs shall not open accounts of such professional intermediaries who are bound by any client confidentiality that prohibits disclosure of the client details to the RE.
- d) All the beneficial owners shall be identified where funds held by the intermediaries are not co-mingled at the level of RE, and there are 'sub-accounts', each of them attributable to a beneficial owner, or where such funds are co-mingled at the level of RE, the RE shall look for the beneficial owners.
- e) REs shall, at their discretion, rely on the 'customer due diligence' (CDD) done by an intermediary, provided that the intermediary is a regulated and supervised entity and has adequate systems in place to comply with the KYC requirements of the customers.
- f) The ultimate responsibility for knowing the customer lies with the RE.

B. Simplified Due Diligence

43. Simplified norms for Self Help Groups (SHGs)

- (a) KYC verification of all the members of SHG shall not be required while opening the savings bank account of the SHG
- (b) KYC verification of all the office bearers shall suffice.
- (c) No separate KYC verification of the members or office bearers shall be necessary at the time of credit linking of SHGs.

44. Procedure to be followed by banks while opening accounts of foreign students

- (a) Banks shall, at their option, open a Non Resident Ordinary (NRO) bank account of a foreign student on the basis of his/her passport (with visa & immigration endorsement) bearing the proof of identity and address in the home country together with a photograph and a letter offering admission from the educational institution in India.

- i. Provided that a declaration about the local address shall be obtained within a period of 30 days of opening the account and the said local address is verified.
 - ii. Provided further that pending the verification of address, the account shall be operated with a condition of allowing foreign remittances not exceeding USD 1,000 or equivalent into the account and a cap of rupees fifty thousand on aggregate in the same, during the 30-day period.
- (b) The account shall be treated as a normal NRO account, and shall be operated in terms of Reserve Bank of India's instructions on Non-Resident Ordinary Rupee (NRO) Account, and the provisions of FEMA. 1999.
- (c) Students with Pakistani nationality shall require prior approval of the Reserve Bank for opening the account.

45. Simplified KYC norms for Foreign Portfolio Investors (FPIs)

Accounts of FPIs which are eligible/ registered as per SEBI guidelines, for the purpose of investment under Portfolio Investment Scheme (PIS), shall be opened by accepting KYC documents as detailed in Annex II, subject to Income Tax (FATCA/CRS) Rules.

Provided that banks shall obtain undertaking from FPIs or the Global Custodian acting on behalf of the FPI that as and when required, the exempted documents as detailed in Annex II will be submitted.

Chapter VII

Record Management

46. The following steps shall be taken regarding maintenance, preservation and reporting of customer account information, with reference to provisions of PML Act and Rules. REs shall,
- (a) maintain all necessary records of transactions between the RE and the customer, both domestic and international, for at least five years from the date of transaction;
 - (b) preserve the records pertaining to the identification of the customers and their addresses obtained while opening the account and during the course of business relationship, for at least five years after the business relationship is ended;

- (c) make available the identification records and transaction data to the competent authorities upon request;
- (d) introduce a system of maintaining proper record of transactions prescribed under Rule 3 of Prevention of Money Laundering (Maintenance of Records) Rules, 2005 (PML Rules, 2005);
- (e) maintain all necessary information in respect of transactions prescribed under PML Rule 3 so as to permit reconstruction of individual transaction, including the following:
 - (i) the nature of the transactions;
 - (ii) the amount of the transaction and the currency in which it was denominated;
 - (iii) the date on which the transaction was conducted; and
 - (iv) the parties to the transaction.
- (f) evolve a system for proper maintenance and preservation of account information in a manner that allows data to be retrieved easily and quickly whenever required or when requested by the competent authorities;
- (g) maintain records of the identity and address of their customer, and records in respect of transactions referred to in Rule 3 in hard or soft format.

Chapter VIII

Reporting Requirements to Financial Intelligence Unit - India

47. REs shall furnish to the Director, Financial Intelligence Unit-India (FIU-IND), information referred to in Rule 3 of the PML (Maintenance of Records) Rules, 2005 in terms of Rule 7 thereof.

Explanation: In terms of Third Amendment Rules notified September 22, 2015 regarding amendment to sub rule 3 and 4 of rule 7, Director, FIU-IND shall have powers to issue guidelines to the REs for detecting transactions referred to in various clauses of sub-rule (1) of rule 3, to direct them about the form of furnishing information and to specify the procedure and the manner of furnishing information.

48. The reporting formats and comprehensive reporting format guide, prescribed/ released by FIU-IND and Report Generation Utility and Report Validation Utility developed to assist reporting entities in the preparation of prescribed reports shall be taken note of. The editable electronic utilities to file electronic

Cash Transaction Reports (CTR) / Suspicious Transaction Reports (STR) which FIU-IND has placed on its website shall be made use of by REs which are yet to install/adopt suitable technological tools for extracting CTR/STR from their live transaction data. The Principal Officers of those REs, whose all branches are not fully computerized, shall have suitable arrangement to cull out the transaction details from branches which are not yet computerized and to feed the data into an electronic file with the help of the editable electronic utilities of CTR/STR as have been made available by FIU-IND on its website <http://fiuindia.gov.in>.

49. While furnishing information to the Director, FIU-IND, delay of each day in not reporting a transaction or delay of each day in rectifying a mis-represented transaction beyond the time limit as specified in the Rule shall be constituted as a separate violation. REs shall not put any restriction on operations in the accounts where an STR has been filed. REs shall keep the fact of furnishing of STR strictly confidential. It shall be ensured that there is no tipping off to the customer at any level.
50. Robust software, throwing alerts when the transactions are inconsistent with risk categorization and updated profile of the customers shall be put in to use as a part of effective identification and reporting of suspicious transactions.

Chapter IX

Requirements/obligations under International Agreements

Communications from International Agencies –

51. REs shall ensure that in terms of Section 51A of the Unlawful Activities (Prevention) (UAPA) Act, 1967, they do not have any account in the name of individuals/entities appearing in the lists of individuals and entities, suspected of having terrorist links, which are approved by and periodically circulated by the United Nations Security Council (UNSC). The details of the two lists are as under:
 - (a) The “**ISIL (Da’esh) & Al-Qaida Sanctions List**”, which includes names of individuals and entities associated with the Al-Qaida. The updated ISIL & Al-Qaida Sanctions List is available at <https://scsanctions.un.org/fop/fop?xml=htdocs/resources/xml/en/consolidated.xml&xslt=htdocs/resources/xsl/en/al-qaida-r.xsl>

- (b) **The “1988 Sanctions List”**, consisting of individuals (Section A of the consolidated list) and entities (Section B) associated with the Taliban which is available at

<https://scsanctions.un.org/fop/fop?xml=htdocs/resources/xml/en/consolidated.xml&xslt=htdocs/resources/xsl/en/taliban-r.xsl>.

52. Details of accounts resembling any of the individuals/entities in the lists shall be reported to FIU-IND apart from advising Ministry of Home Affairs as required under UAPA notification dated August 27, 2009.

53. In addition to the above, other UNSCRs circulated by the Reserve Bank in respect of any other jurisdictions/ entities from time to time shall also be taken note of.

54. Freezing of Assets under Section 51A of Unlawful Activities (Prevention) Act, 1967

The procedure laid down in the UAPA Order dated August 27, 2009 (Annex I of this Master Direction shall be strictly followed and meticulous compliance with the Order issued by the Government shall be ensured.

55. Jurisdictions that do not or insufficiently apply the FATF Recommendations

(a) FATF Statements circulated by Reserve Bank of India from time to time, and publicly available information, for identifying countries, which do not or insufficiently apply the FATF Recommendations, shall be considered. Risks arising from the deficiencies in AML/CFT regime of the jurisdictions included in the FATF Statement shall be taken into account.

(b) Special attention shall be given to business relationships and transactions with persons (including legal persons and other financial institutions) from or in countries that do not or insufficiently apply the FATF Recommendations and jurisdictions included in FATF Statements.

Explanation: The process referred to in Section 55 a & b do not preclude REs from having legitimate trade and business transactions with the countries and jurisdictions mentioned in the FATF statement.

- (c) The background and purpose of transactions with persons (including legal persons and other financial institutions) from jurisdictions included in FATF Statements and countries that do not or insufficiently apply the FATF Recommendations shall be examined, and written findings together with all documents shall be retained and shall be made available to Reserve Bank/other relevant authorities, on request.

Chapter X

Other Instructions

56. Secrecy Obligations and Sharing of Information:

- (a) Banks shall maintain secrecy regarding the customer information which arises out of the contractual relationship between the banker and customer.
- (b) While considering the requests for data/information from Government and other agencies, banks shall satisfy themselves that the information being sought is not of such a nature as will violate the provisions of the laws relating to secrecy in the banking transactions.
- (c) The exceptions to the said rule shall be as under:
- i. Where disclosure is under compulsion of law,
 - ii. Where there is a duty to the public to disclose,
 - iii. the interest of bank requires disclosure and
 - iv. Where the disclosure is made with the express or implied consent of the customer.
- (d) NBFCs shall maintain confidentiality of information as provided in Section 45NB of RBI Act 1934.

57. CDD Procedure and sharing KYC information with Central KYC Records Registry (CKYCR)

REs shall capture the KYC information for sharing with the CKYCR in the manner mentioned in the Rules, as required by the revised KYC templates prepared for 'individuals' and 'Legal Entities' as the case may be. Government of India has authorised the Central Registry of Securitisation Asset Reconstruction and Security Interest of India (CERSAI), to act as, and to perform the functions of the CKYCR vide Gazette Notification No. S.O. 3183(E) dated November 26, 2015.

The 'live run' of the CKYCR would start with effect from July 15, 2016 in phased manner beginning with new 'individual accounts'. Accordingly, REs shall take the following steps:

- i. Scheduled Commercial Banks (SCBs) shall invariably upload the KYC data pertaining to all new individual accounts opened on or after January 1, 2017 with CERSAI in terms of the provisions of the Prevention of Money Laundering (Maintenance of Records) Rules, 2005. SCBs are, however, allowed time upto February 1, 2017 for uploading data in respect of accounts opened during January 2017.
- ii. REs other than SCBs shall upload the KYC data pertaining to all new individual accounts opened on or after from April 1, 2017 with CERSAI in terms of the provisions of the Prevention of Money Laundering (Maintenance of Records) Rules, 2005.
- iii. Operational Guidelines (version 1.1) for uploading the KYC data have been released by CERSAI. Further, 'Test Environment' has also been made available by CERSAI for the use of REs.

58. Reporting requirement under Foreign Account Tax Compliance Act (FATCA) and Common Reporting Standards (CRS)

Under FATCA and CRS, REs shall adhere to the provisions of Income Tax Rules 114F, 114G and 114H and determine whether they are a Reporting Financial Institution as defined in Income Tax Rule 114F and if so, shall take following steps for complying with the reporting requirements:

- (a) Register on the related e-filing portal of Income Tax Department as Reporting Financial Institutions at the link <https://incometaxindiaefiling.gov.in/> post login -> My Account --> Register as Reporting Financial Institution,
- (b) Submit online reports by using the digital signature of the 'Designated Director' by either uploading the Form 61B or 'NIL' report, for which, the schema prepared by Central Board of Direct Taxes (CBDT) shall be referred to.

Explanation: REs shall refer to the spot reference rates published by Foreign Exchange Dealers' Association of India (FEDAI) on their website at <http://www.fedai.org.in/RevaluationRates.aspx> for carrying out the due

diligence procedure for the purposes of identifying reportable accounts in terms of Rule 114H.

- (c) Develop Information Technology (IT) framework for carrying out due diligence procedure and for recording and maintaining the same, as provided in Rule 114H.
- (d) Develop a system of audit for the IT framework and compliance with Rules 114F, 114G and 114H of Income Tax Rules.
- (e) Constitute a "High Level Monitoring Committee" under the Designated Director or any other equivalent functionary to ensure compliance.
- (f) Ensure compliance with updated instructions/ rules/ guidance notes/ Press releases/ issued on the subject by Central Board of Direct Taxes (CBDT) from time to time and available on the web site <http://www.incometaxindia.gov.in/Pages/default.aspx>. REs may take note of the following:
 - a) updated Guidance Note on FATCA and CRS
 - b) a press release on 'Closure of Financial Accounts' under Rule 114H (8).

59. Period for presenting payment instruments

Payment of cheques/drafts/pay orders/banker's cheques, if they are presented beyond the period of three months from the date of such instruments, shall not be made.

60. Operation of Bank Accounts & Money Mules

The instructions on opening of accounts and monitoring of transactions shall be strictly adhered to, in order to minimise the operations of "Money Mules" which are used to launder the proceeds of fraud schemes (e.g., phishing and identity theft) by criminals who gain illegal access to deposit accounts by recruiting third parties which act as "money mules." If it is established that an account opened and operated is that of a Money Mule, it shall be deemed that the bank has not complied with these directions.

61. Collection of Account Payee Cheques

Account payee cheques for any person other than the payee constituent shall not be collected. Banks shall, at their option, collect account payee cheques drawn for an amount not exceeding rupees fifty thousand to the account of their customers who are co-operative credit societies, provided the payees of such cheques are the constituents of such co-operative credit societies.

62.(a) A Unique Customer Identification Code (UCIC) shall be allotted while entering into new relationships with individual customers as also the existing customers by banks and NBFCs.

(b) The banks/NBFCs shall, at their option, not issue UCIC to all walk-in/occasional customers such as buyers of pre-paid instruments/purchasers of third party products provided it is ensured that there is adequate mechanism to identify such walk-in customers who have frequent transactions with them and ensure that they are allotted UCIC.

63. Introduction of New Technologies – Credit Cards/Debit Cards/ Smart Cards/Gift Cards/Mobile Wallet/ Net Banking/ Mobile Banking/RTGS/ NEFT/ECS/IMPS etc.

Adequate attention shall be paid by REs to any money-laundering and financing of terrorism threats that may arise from new or developing technologies and it shall be ensured that appropriate KYC procedures issued from time to time are duly applied before introducing new products/services/technologies. Agents used for marketing of credit cards shall also be subjected to due diligence and KYC measures.

64. Correspondent Banks

Banks shall have a policy approved by their Boards, or by a committee headed by the Chairman/CEO/MD to lay down parameters for approving correspondent banking relationships subject to the following conditions:

(a) Sufficient information in relation to the nature of business of the bank including information on management, major business activities, level of AML/CFT compliance, purpose of opening the account, identity of any third party entities that will use the correspondent banking services, and

regulatory/supervisory framework in the bank's home country shall be gathered.

- (b) *Post facto* approval of the Board at its next meeting shall be obtained for the proposals approved by the Committee.
- (c) The responsibilities of each bank with whom correspondent banking relationship is established shall be clearly documented.
- (d) In the case of payable-through-accounts, the correspondent bank shall be satisfied that the respondent bank has verified the identity of the customers having direct access to the accounts and is undertaking on-going 'due diligence' on them.
- (e) The correspondent bank shall ensure that the respondent bank is able to provide the relevant customer identification data immediately on request.
- (f) Correspondent relationship shall not be entered into with a shell bank.
- (g) It shall be ensured that the correspondent banks do not permit their accounts to be used by shell banks.
- (h) Banks shall be cautious with correspondent banks located in jurisdictions which have strategic deficiencies or have not made sufficient progress in implementation of FATF Recommendations.
- (i) Banks shall ensure that respondent banks have KYC/AML policies and procedures in place and apply enhanced 'due diligence' procedures for transactions carried out through the correspondent accounts.

65. Wire transfer

REs shall ensure the following while effecting wire transfer:

- (a) All cross-border wire transfers including transactions using credit or debit card shall be accompanied by accurate and meaningful originator information such as name, address and account number or a unique reference number, as prevalent in the country concerned in the absence of account.
Exception: Interbank transfers and settlements where both the originator and beneficiary are banks or financial institutions shall be exempt from the above requirements.
- (b) Domestic wire transfers of rupees fifty thousand and above shall be accompanied by originator information such as name, address and account number.

- (c) Customer Identification shall be made if a customer is intentionally structuring wire transfer below rupees fifty thousand to avoid reporting or monitoring. In case of non-cooperation from the customer, efforts shall be made to establish his identity and STR shall be made to FIU-IND.
- (d) Complete originator information relating to qualifying wire transfers shall be preserved at least for a period of five years by the ordering bank.
- (e) A bank processing as an intermediary element of a chain of wire transfers shall ensure that all originator information accompanying a wire transfer is retained with the transfer.
- (f) The receiving intermediary bank shall transfer full originator information accompanying a cross-border wire transfer and preserve the same for at least five years if the same cannot be sent with a related domestic wire transfer, due to technical limitations.
- (g) All the information on the originator of wire transfers shall be immediately made available to appropriate law enforcement and/or prosecutorial authorities on receiving such requests.
- (h) Effective risk-based procedures to identify wire transfers lacking complete originator information shall be in place at a beneficiary bank.
- (i) Beneficiary bank shall report transaction lacking complete originator information to FIU-IND as a suspicious transaction.
- (j) The beneficiary bank shall seek detailed information of the fund remitter with the ordering bank and if the ordering bank fails to furnish information on the remitter, the beneficiary shall consider restricting or terminating its business relationship with the ordering bank.

66. Issue and Payment of Demand Drafts, etc.,

Any remittance of funds by way of demand draft, mail/telegraphic transfer/NEFT/IMPS or any other mode and issue of travellers' cheques for value of rupees fifty thousand and above shall be effected by debit to the customer's account or against cheques and not against cash payment.

67. Quoting of PAN

Permanent account number (PAN) of customers shall be obtained and verified while undertaking transactions as per the provisions of Income Tax Rule 114B applicable

to banks, as amended from time to time. Form 60 shall be obtained from persons who do not have PAN.

68. Selling Third party products

REs acting as agents while selling third party products as per regulations in force from time to time shall comply with the following aspects for the purpose of these directions:

- (a) the identity and address of the walk-in customer shall be verified for transactions above rupees fifty thousand as required under Section 13(e) of this Directions.
- (b) transaction details of sale of third party products and related records shall be maintained as prescribed in Chapter VII Section 46.
- (c) AML software capable of capturing, generating and analysing alerts for the purpose of filing CTR/STR in respect of transactions relating to third party products with customers including walk-in customers shall be available.
- (d) transactions involving rupees fifty thousand and above shall be undertaken only by:
 - debit to customers' account or against cheques; and
 - obtaining and verifying the PAN given by the account based as well as walk-in customers.
- (e) Instruction at 'd' above shall also apply to sale of REs' own products, payment of dues of credit cards/sale and reloading of prepaid/travel cards and any other product for rupees fifty thousand and above.

69. At-par cheque facility availed by co-operative banks

- (a) The 'at par' cheque facility offered by commercial banks to co-operative banks shall be monitored and such arrangements be reviewed to assess the risks including credit risk and reputational risk arising therefrom.
- (b) The right to verify the records maintained by the customer cooperative banks/ societies for compliance with the extant instructions on KYC and AML under such arrangements shall be retained by banks.
- (c) Cooperative Banks shall:
 - i. ensure that the 'at par' cheque facility is utilised only:
 - a. for their own use,

- b. for their account-holders who are KYC complaint, provided that all transactions of rupees fifty thousand or more are strictly by debit to the customers' accounts,
- c. for walk-in customers against cash for less than rupees fifty thousand per individual.
- ii. maintain the following:
 - a. records pertaining to issuance of 'at par' cheques covering, inter alia, applicant's name and account number, beneficiary's details and date of issuance of the 'at par' cheque,
 - b. sufficient balances/drawing arrangements with the commercial bank extending such facility for purpose of honouring such instruments.
- iii. ensure that 'At par' cheques issued are crossed 'account payee' irrespective of the amount involved.

70. Issuance of Prepaid Payment Instruments (PPIs):

PPI issuers shall ensure that the instructions issued by Department of Payment and Settlement System of Reserve Bank of India through their Master Direction are strictly adhered to.

71. Hiring of Employees and Employee training

- (a) Adequate screening mechanism as an integral part of their personnel recruitment/hiring process shall be put in place.
- (b) On-going employee training programme shall be put in place so that the members of staff are adequately trained in AML/CFT policy. The focus of the training shall be different for frontline staff, compliance staff and staff dealing with new customers. The front desk staff shall be specially trained to handle issues arising from lack of customer education. Proper staffing of the audit function with persons adequately trained and well-versed in AML/CFT policies of the RE, regulation and related issues shall be ensured.

72. Adherence to Know Your Customer (KYC) guidelines by NBFCs/RNBCs and persons authorised by NBFCs/RNBCs including brokers/agents etc.

- (a) Persons authorised by NBFCs/ RNBCs for collecting the deposits and their brokers/agents or the like, shall be fully compliant with the KYC guidelines applicable to NBFCs/RNBCs.

- (b) All information shall be made available to the Reserve Bank of India to verify the compliance with the KYC guidelines and accept full consequences of any violation by the persons authorised by NBFCs/RNBCs including brokers/agents etc. who are operating on their behalf.
- (c) The books of accounts of persons authorised by NBFCs/RNBCs including brokers/agents or the like, so far as they relate to brokerage functions of the company, shall be made available for audit and inspection whenever required.

Chapter XI

Repeal Provisions

- 73.** With the issue of these directions, the instructions / guidelines contained in the circulars mentioned in the Appendix, issued by the Reserve Bank stand repealed.
- 74.** All approvals / acknowledgements given under the above circulars shall be deemed as given under these directions.
- 75.** All the repealed circulars are deemed to have been in force prior to the coming into effect of these directions.

Annex I**Government Order on Procedure for Implementation
of Section 51A of The Unlawful Activities (Prevention) Act, 1967**

File No.17015/10/2002-IS-VI
Government of India
Ministry of Home Affairs
Internal Security - I Division

New Delhi, Dated 27th August, 2009

To,

1. Governor, Reserve Bank of India, Mumbai
2. Chairman, Securities & Exchange Board of India, Mumbai
3. Chairman, Insurance Regulatory and Development Authority, Hyderabad
4. Foreign Secretary, Ministry of External Affairs, New Delhi
5. Finance Secretary, Ministry of Finance, New Delhi
6. Revenue Secretary, Department of Revenue,
Ministry of Finance, New Delhi
7. Director, Intelligence Bureau, New Delhi
8. Additional Secretary, Department of Financial Services,
Ministry of Finance, New Delhi
9. Chief Secretaries of all States / Union Territories

Order**Procedure for Implementation of Section 51A of
The Unlawful Activities (Prevention) Act, 1967**

The Unlawful Activities (Prevention) Act, 1967 (UAPA) was amended and notified on 31.12.2008, which, inter-alia, inserted Section 51A to the Act. Section 51A reads as under :

"51A. For the prevention of, and for coping with terrorist activities, the Central Government shall have power to -

- (a) freeze, seize or attach funds and other financial assets or economic resources held by, on behalf of or at the direction of the individuals or entities Listed in the Schedule to the Order, or any other person engaged in or suspected to be engaged in terrorism;
- (b) prohibit any individual or entity from making any funds, financial assets or economic resources or related services available for the benefit of the individuals or entities Listed in the Schedule to the Order or any other person engaged in or suspected to be engaged in terrorism;
- (c) prevent the entry into or the transit through India of individuals Listed in the Schedule to the Order or any other person engaged in or suspected to be engaged in terrorism",

The Unlawful Activities (Prevention) Act define "Order" as under :

"Order" means the Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) Order, 2007, as may be amended from time to time.

In order to expeditiously and effectively implement the provisions of Section 51A, the following procedures shall be followed :-

Appointment and Communication of Details of UAPA Nodal Officers

2. As regards appointment and communication of details of UAPA nodal officers -

(i) The UAPA nodal officer for IS-I division would be the Joint Secretary (IS-I), Ministry of Home Affairs. His contact details are 011-23092736 (Tel), 011-23092569 (Fax) and isis@nic.in (e-mail id).

(ii) The Ministry of External affairs, Department of Economic affairs, Foreigners Division of MHA, FIU-IND; and RBI, SEBI, IRDA (hereinafter referred to as Regulators) shall appoint a UAPA nodal officer and communicate the name and contact details to the IS-I Division in MHA.

(iii) The States and UTs should appoint a UAPA nodal officer preferably of the rank of the Principal Secretary / Secretary, Home Department and communicate the name and contact details to the IS-I Division in MHA.

(iv) The IS-I Division in MHA would maintain the consolidated list of all UAPA nodal officers and forward the list to all other UAPA nodal officers.

(v) The RBI, SEBI, IRDA should forward the consolidated list of UAPA nodal officers to the Banks, stock exchanges / depositories, intermediaries regulated by SEBI and insurance companies respectively

(vi) The consolidated list of the UAPA nodal officers should be circulated to the nodal officer of IS-I Division of MHA in July every year and on every change. Joint Secretary (IS-I), being the nodal officer of IS-I Division of MHA, shall cause the amended list of UAPA nodal officers to be circulated to the nodal officers of Ministry of External Affairs, Department of Economic affairs, Foreigners Division of MHA, RBI, SEBI, IRDA and FIU-IND.

Communication of the List of Designated Individuals / Entities

3. As regards communication of the list of designated individuals / entities -

(i) The Ministry of External Affairs shall update the list of individuals and entities subject to UN sanction measures on a regular basis. On any revision, the Ministry of External Affairs would electronically forward this list to the Nodal officers in Regulators, FIU-IND, IS-I Division and Foreigners' Division in MHA.

- (ii) The Regulators would forward the list mentioned in (i) above (referred to as designated lists) to the banks, stock exchanges / depositories, intermediaries regulated by SEBI and insurance companies respectively.
- (iii) The IS-I Division of MHA would forward the designated lists to the UAPA nodal officer of all States and UTs.
- (iv) The Foreigners Division of MHA would forward the designated lists to the immigration authorities and security agencies.

Regarding Funds, Financial Assets or Economic Resources or related Services held in the Form of Bank Accounts, Stocks or Insurance Policies etc.

4. As regards funds, financial assets or economic resources or related services held in the form of bank accounts, stocks or Insurance policies etc., the Regulators would forward the designated lists to the banks, stock exchanges / depositories, intermediaries regulated by SEBI and insurance companies respectively. The RBI, SEBI and IRDA would issue necessary guidelines to banks, stock exchanges / depositories, intermediaries regulated by SEBI and insurance companies requiring them to -

- (i) Maintain updated designated lists in electronic form and run a check on the given parameters on a regular basis to verify whether individuals or entities listed in the schedule to the Order, herein after, referred to as designated individuals / entities are holding any funds, financial assets or economic resources or related services held in the form of bank accounts, stocks or Insurance policies etc., with them.
- (ii) In case, the particulars of any of their customers match with the particulars of designated individuals / entities, the banks, stock exchanges / depositories, intermediaries regulated by SEBI and insurance companies shall immediately, not later than 24 hours from the time of finding out such customer, inform full particulars of the funds, financial assets or economic resources or related services held in the form of bank accounts, stocks or Insurance policies etc., held by such customer on their books to the Joint Secretary (IS.I), Ministry of Home Affairs, at Fax No.011-23092569 and also convey over telephone on 011-23092736. The particulars apart from being sent by post should necessarily be conveyed on e-mail id : jsis@nic.in
- (iii) The banks, stock exchanges / depositories, intermediaries regulated by SEBI and insurance companies shall also send a copy of the communication mentioned in (ii) above to the UAPA nodal officer of the state / UT where the account is held and Regulators and FIU-IND, as the case may be.
- (iv) In case, the match of any of the customers with the particulars of designated individuals / entities is beyond doubt, the banks, stock exchanges / depositories, intermediaries regulated by SEBI and insurance companies would prevent designated persons from conducting financial

transactions, under intimation to the Joint Secretary (IS-I), Ministry of Home Affairs, at Fax No.011-23092569 and also convey over telephone on 011-23092736. The particulars apart from being sent by post should necessarily be conveyed on e-mail id :jsis@nic.in

(v) The Banks, stock exchanges / depositories, intermediaries regulated by SEBI and insurance companies, shall file a Suspicious Transaction Report (STR) with FIU-IND covering all transactions in the accounts covered by paragraph (ii) above, carried through or attempted as per the prescribed format.

5. On receipt of the particulars referred to in paragraph 3 (ii) above, IS-I Division of MHA would cause a verification to be conducted by the State Police and / or the Central Agencies so as to ensure that the individuals / entities identified by the Banks, stock exchanges / depositories, intermediaries regulated by SEBI and Insurance Companies are the ones listed as designated individuals / entities and the funds, financial assets or economic resources or related services, reported by banks, stock exchanges / depositories, intermediaries regulated by SEBI and insurance companies are held by the designated individuals / entities. This verification would be completed within a period not exceeding 5 working days from the date of receipt of such particulars.

6. In case, the results of the verification indicate that the properties are owned by or are held for the benefit of the designated individuals / entities, an order to freeze these assets under section 51A of the UAPA would be issued within 24 hours of such verification and conveyed electronically to the concerned bank branch, depository, branch of insurance company branch under intimation to respective Regulators and FIU-IND. The UAPA nodal officer of IS-I Division of MHA shall also forward a copy thereof to all the Principal Secretary / Secretary, Home Department of the States or UTs, so that any individual or entity may be prohibited from making any funds, financial assets or economic resources or related services available for the benefit of the designated individuals / entities or any other person engaged in or suspected to be engaged in terrorism. The UAPA nodal officer of IS-I Division of MHA shall also forward a copy of the order under section 51A, to all Directors General of Police / Commissioners of Police of all states / UTs for initiating action under the provisions of Unlawful Activities (Prevention) Act.

The order shall take place without prior notice to the designated individuals / entities.

Regarding Financial Assets or Economic Resources of the Nature of Immovable Properties

7. IS-I Division of MHA would electronically forward the designated lists to the UAPA nodal officer of all States and UTs with the request to have the names of the designated individuals / entities, on the given parameters, verified from the records of the office of the Registrar performing the work of registration of immovable properties in their respective jurisdiction.

8. In case, the designated individuals / entities are holding financial assets or economic resources of the nature of immovable property and if any match with the designated individuals / entities is found, the UAPA nodal officer of the state / UT would cause communication of the complete particulars of such individual / entity along with complete details of the financial assets or economic resources of the nature of immovable property to Joint Secretary (IS-I), Ministry of Home Affairs, immediately within 24 hours at Fax No.011-23092569 and also convey over telephone on 011-23092736. The particulars apart from being sent by post would necessarily be conveyed on e-mail id :jsis@nic.in.

9. The UAPA nodal officer of the state / UT may cause such inquiry to be conducted by the State Police so as to ensure that the particulars sent by the Registrar performing the work of registering immovable properties are indeed of these designated individuals / entities. This verification would be completed within a maximum of 5 working days and should be conveyed within 24 hours of the verification, if it matches with the particulars of the designated individual / entity to Joint Secretary (IS-I), Ministry of Home Affairs at the Fax, telephone numbers and also on the e-mail id given below.

10. A copy of this reference should be sent to Joint Secretary (IS-I), Ministry of Home Affairs, at Fax No.011-23092569 and also convey over telephone on 011- 23092736. The particulars apart from being sent by post would necessarily be conveyed on e-mail id :jsis@nic.in. MHA may have the verification also conducted by the Central Agencies. This verification would be completed within a maximum of 5 working days.

11. In case, the results of the verification indicate that the particulars match with those of designated individuals / entities, an order under section 51A of the UAPA would be issued within 24 hours, by the nodal officer of IS-I Division of MHA and conveyed to the concerned Registrar performing the work of registering immovable properties and to FIU-IND under intimation to the concerned UAPA nodal officer of the state / UT.

The order shall take place without prior notice, to the designated individuals / entities.

12. Further, the UAPA nodal officer of the state / UT shall cause to monitor the transactions / accounts of the designated individual / entity so as to prohibit any individual or entity from making any funds, financial assets or economic resources or related services available for the benefit of the individuals or entities Listed in the Schedule to the Order or any other person engaged in or suspected to be engaged in terrorism. The UAPA nodal officer of the state / UT shall upon coming to his notice, transactions and attempts by third party immediately bring to the notice of the DGP / Commissioner of Police of the State / UT for also initiating action under the provisions of Unlawful Activities (Prevention) Act.

Implementation of Requests Received from Foreign Countries under U.N. Security Council Resolution 1373 of 2001

13. U.N. Security Council Resolution 1373 obligates countries to freeze without delay the funds or other assets of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds or other assets derived or generated from property owned or controlled, directly or indirectly, by such persons and associated persons and entities. Each individual country has the authority to designate the persons and entities that should have their funds or other assets frozen. Additionally, to ensure that effective cooperation is developed among countries, countries should examine and give effect to, if appropriate, the actions initiated under the freezing mechanisms of other countries.

14. To give effect to the requests of foreign countries under U.N. Security Council Resolution 1373, the Ministry of External Affairs shall examine the requests made by the foreign countries and forward it electronically, with their comments, to the UAPA nodal officer for IS-I Division for freezing of funds or other assets.

15. The UAPA nodal officer of IS-I Division of MHA, shall cause the request to be examined, within 5 working days, so as to satisfy itself that on the basis of applicable legal principles, the requested designation is supported by reasonable grounds, or a reasonable basis, to suspect or believe that the proposed designee is a terrorist, one who finances terrorism or a terrorist organization, and upon his satisfaction, request would be electronically forwarded to the nodal officers in Regulators, FIU-IND and to the nodal officers of the States / UTs. The proposed designee, as mentioned above would be treated as designated individuals / entities.

16. Upon receipt of the requests by these nodal officers from the UAPA nodal officer of IS-I Division, the procedure as enumerated at paragraphs 4 to 12 above shall be followed.

The freezing orders shall take place without prior notice to the designated persons involved

Procedure for Unfreezing of Funds, Financial Assets or Economic Resources or related Services of Individuals / Entities Inadvertently affected by the Freezing Mechanism upon Verification that the Person or Entity is not a Designated Person

17. Any individual or entity, if it has evidence to prove that the freezing of funds, financial assets or economic resources or related services, owned / held by them has been inadvertently frozen, they shall move an application giving the requisite evidence, in writing, to the concerned bank, stock exchanges / depositories, intermediaries regulated by SEBI, insurance companies, Registrar of Immovable Properties and the State / UT nodal officers.

18. The banks, stock exchanges / depositories, intermediaries regulated by SEBI, insurance companies, Registrar of Immovable Properties and the State / UT nodal officers shall inform and forward a copy of the application together with full details of the asset frozen given by any individual or entity informing of the funds, financial assets or economic resources or related services have been frozen inadvertently, to the nodal officer of IS-I Division of MHA as per the contact details given in paragraph 4 (ii) above, within two working days.

19. The Joint Secretary (IS-I), MHA, being the nodal officer for IS-I Division of MHA shall cause such verification as may be required on the basis of the evidence furnished by the individual / entity and if he is satisfied, he shall pass an order, within 15 working days, unfreezing the funds, financial assets or economic resources or related services, owned / held by such applicant, under intimation to the concerned bank, stock exchanges / depositories, intermediaries regulated by SEBI, insurance company and the nodal officers of States / UTs. However, if it is not possible for any reason to pass an Order unfreezing the assets within 15 working days, the nodal officer of IS-I Division shall inform the applicant.

Communication of Orders under Section 51A of Unlawful Activities (Prevention) Act

20. All Orders under section 51A of Unlawful Activities (Prevention) Act, relating to funds, financial assets or economic resources or related services, would be communicated to all the banks, depositories / stock exchanges, intermediaries regulated by SEBI, insurance companies through respective Regulators, and to all the Registrars performing the work of registering immovable properties, through the state / UT nodal officer by IS-I Division of MHA.

Regarding Prevention of Entry into or Transit through India

21. As regards prevention of entry into or transit through India of the designated individuals, the Foreigners Division of MHA, shall forward the designated lists to the immigration authorities and security agencies with a request to prevent the entry into or the transit through India. The order shall take place without prior notice to the designated individuals / entities.

22. The immigration authorities shall ensure strict compliance of the Orders and also communicate the details of entry or transit through India of the designated individuals as prevented by them to the Foreigners' Division of MHA.

Procedure for Communication of Compliance of Action taken under Section 51A

23. The nodal officers of IS-I Division and Foreigners Division of MHA shall furnish the details of funds, financial assets or economic resources or related services of designated individuals / entities frozen by an order, and details of the individuals whose entry into India or transit through India was prevented,

respectively, to the Ministry of External Affairs for onward communication to the United Nations.

24. All concerned are requested to ensure strict compliance of this order.

Sd/-

(D. Diptivilasa)

Joint Secretary to Government of India

Annex II
KYC documents for eligible FPIs under PIS

		FPI Type		
Document Type		Category I	Category II	Category III
Entity Level	Constitutive Documents (Memorandum and Articles of Association, Certificate of Incorporation etc.)	Mandatory	Mandatory	Mandatory
	Proof of Address	Mandatory (Power of Attorney {PoA} mentioning the address is acceptable as address proof)	Mandatory (Power of Attorney mentioning the address is acceptable as address proof)	Mandatory other than Power of Attorney
	PAN Card	Mandatory	Mandatory	Mandatory
	Financial Data	Exempted *	Exempted *	Mandatory
	SEBI Registration Certificate	Mandatory	Mandatory	Mandatory
	Board Resolution @@	Exempted *	Mandatory	Mandatory
Senior Management (Whole Time Directors/ Partners/ Trustees/ etc.)	List	Mandatory	Mandatory	Mandatory
	Proof of Identity	Exempted *	Exempted *	Entity declares* on letter head full name, nationality, date of birth or submits photo identity proof
	Proof of Address	Exempted *	Exempted *	Declaration on Letter Head *
	Photographs	Exempted	Exempted	Exempted *

Authorized Signatories	List and Signatures	Mandatory – list of Global Custodian signatories can be given in case of PoA to Global Custodian	Mandatory - list of Global Custodian signatories can be given in case of PoA to Global Custodian	Mandatory
	Proof of Identity	Exempted *	Exempted *	Mandatory
	Proof of Address	Exempted *	Exempted *	Declaration on Letter Head *
	Photographs	Exempted	Exempted	Exempted *
Ultimate Beneficial Owner (UBO)	List	Exempted *	Mandatory (can declare "no UBO over 25%")	Mandatory
	Proof of Identity	Exempted *	Exempted *	Mandatory
	Proof of Address	Exempted *	Exempted *	Declaration on Letter Head *
	Photographs	Exempted	Exempted	Exempted *

* Not required while opening the bank account. However, FPIs concerned may submit an undertaking that upon demand by Regulators/Law Enforcement Agencies the relative document/s would be submitted to the bank.

@@ FPIs from certain jurisdictions where the practice of passing Board Resolution for the purpose of opening bank accounts etc. is not in vogue, may submit 'Power of Attorney granted to Global Custodian/Local Custodian in lieu of Board Resolution'

Category	Eligible Foreign Investors
I.	Government and Government related foreign investors such as Foreign Central Banks, Governmental Agencies, Sovereign Wealth Funds, International/ Multilateral Organizations/ Agencies.

II.	<ul style="list-style-type: none">a) Appropriately regulated broad based funds such as Mutual Funds, Investment Trusts, Insurance /Reinsurance Companies, Other Broad Based Funds etc.b) Appropriately regulated entities such as Banks, Asset Management Companies, Investment Managers/ Advisors, Portfolio Managers etc.c) Broad based funds whose investment manager is appropriately regulated.d) University Funds and Pension Funds.e) University related Endowments already registered with SEBI as FII/Sub Account.
III.	All other eligible foreign investors investing in India under PIS route not eligible under Category I and II such as Endowments, Charitable Societies/Trust, Foundations, Corporate Bodies, Trusts, Individuals, Family Offices, etc.

AppendixList of Circulars or part thereof repealed with the issuance of Master Direction

Sr.No.	Circular No.	Date
1.	DBOD.BP.BC.92/C.469-76	August 12, 1976
2.	DBOD.GC.BC.62/c.408(A)/87	November 11, 1987
3.	DBOD.BP.BC.114/C.469 (81)-91	April 19, 1991
4.	DBOD.FMC.No.153/27.01.003/93-94	September 1, 1993
5.	DBOD.GC.BC.193/17.04.001/93	November 18, 1993
6.	DBOD.GC.BC.202/17.04.001/93	December 6, 1993
7.	DBOD.No.GC.BC.46/17.04.001	April 22, 1994
8.	DBOD.BP.BC.106/21.01.001/94	September 23, 1994
9.	DBOD.BP.BC.102/21.01.001/95	September 20, 1995
10.	DBOD.BP.BC.42/21.01.001/96	April 6, 1996
11.	DBOD.No.BP.BC.12/21.01.023/98	February 11, 1998
12.	DBOD.BP.52/21.01.001/2001-02	December 5, 2001
13.	DBOD.AML.BC.89/14.01.001/2001-02	April 15, 2002
14.	DBOD.AML.BC.No.102/14.01.001/2001-02	May 10, 2002
15.	<u>DBOD.AML.BC.18/14.01.001/2002-03</u>	August 16, 2002
16.	<u>DBOD.NO.AML.BC.58/14.01.001/2004-05</u>	November 29, 2004
17.	<u>DBOD.NO.AML.BC.28 /14.01.001/2005-06</u>	August 23, 2005
18.	<u>DBOD.NO.AML.BC.63/14.01.001/2005-06</u>	February 15, 2006
19.	<u>DBOD.AML.BC. No.77/ 14.01.001 / 2006-07</u>	April 13, 2007
20.	<u>DBOD.AML.BC.No. 63/ 14.01.001/2007-08</u>	February 18, 2008
21.	<u>DBOD.AML.BC.No. 85/ 14.01.001/ 2007 -08</u>	May 22, 2008
22.	<u>DBOD.AML.BC.No.12/14.01.001/2008-09</u>	July 1, 2008
23.	<u>DBOD.AML.BC.No.2/14.01.001/2009-10</u>	July 1, 2009
24.	<u>DBOD.AML.BC.No.43/14.01.001/2009-10</u>	September 11, 2009

25.	<u>DBOD.AML.BC.No.44/14.01.001/2009-10</u>	September 17, 2009
26.	<u>DBOD.AML.BC.No.68/14.01.001/2009-10</u>	January 12, 2010
27.	<u>DBOD.AML.BC.No.80/14.01.001/2009-10</u>	March 26, 2010
28.	<u>DBOD.AML.BC.No.95/14.01.001/2009-10</u>	April 23, 2010
29.	<u>DBOD.AML.BC.No.108/14.01.001/2009-10</u>	June 9, 2010
30.	<u>DBOD.AML.BC.No.109/14.01.001/2009-10</u>	June 10, 2010
31.	<u>DBOD.AML.BC.No.111/14.01.001/2009-10</u>	June 15, 2010
32.	<u>DBOD.AML.BC.No.113/14.01.001/2009-10</u>	June 29, 2010
33.	<u>DBOD.AML.BC.No.38/14.01.001/2010-11</u>	August 31, 2010
34.	<u>DBOD.AML.BC.No.50/14.01.001/2010-11</u>	October 26, 2010
35.	<u>DBOD.AML.BC.No.65/14.01.001/2010-11</u>	December 7, 2010
36.	<u>DBOD.AML.BC.No.70/14.01.001/2010-11</u>	December 30, 2010
37.	<u>DBOD.AML.BC.No.77/14.01.001/2010-11</u>	January 27, 2011
38.	<u>DBOD.AML.BC. No.36/14.01.001/2011-12</u>	September 28, 2011
39.	<u>DBOD.AML BC.No.47/14.01.001/2011-12</u>	November 04, 2011
40.	<u>DBOD. AML.BC. No.65 /14.01.001/2011-12</u>	December 19, 2011
41.	<u>DBOD AML BC No. 70 /14.01.001/2011-12</u>	December 30, 2011
42.	<u>DBOD. AML.BC. No 93 /14.01.001/2011-12</u>	April 17, 2012
43.	<u>DBOD. AML.BC. No 109 /14.01.001/2011-12</u>	June 08, 2012
44.	<u>DBOD. AML.BC. No 110 /14.01.001/2011-12</u>	June 08, 2012
45.	<u>DBOD.AML.BC. No. 39/14.01.001/2012-13</u>	September 7, 2012
46.	DBOD.AML.BC. No. 49/14.01.001/2012-13	September 7, 2012
47.	<u>DBOD.AML.BC. No. 65/14.01.001/2012-13</u>	December 10, 2012
48.	<u>DBOD.AML.BC. No.71/14.01.001/2012-13</u>	January 18, 2013
49.	<u>DBOD.AML.BC. No. 78 /14.01.001/2012-13</u>	January 29, 2013
50.	<u>DBOD.AML.BC. No.87/14.01.001/2012-13</u>	March 28, 2013

51.	<u>DBOD. AML.BC. No.101 /14.01.001/2011-12</u>	May 31, 2013
52.	<u>DBOD.AML.BC. No.29 /14.01.001/2013-14</u>	July 12, 2013
53.	<u>DBOD.AML.BC. No. 34/14.01.001/2013-14</u>	July 23, 2013
54.	<u>DBOD.AML.BC.No.44/14.01.001/2013-14</u>	September 2, 2013
55.	<u>DBOD.AML.BC.No.45/14.01.001/2013-14</u>	September 2, 2013
56.	<u>DBOD. AML.BC. No. 50/14.01.001/2013-14</u>	September 3, 2013
57.	<u>DBOD.AML.BC.No.63/14.01.001/2013-14</u>	October 29, 2013
58.	<u>DBOD.AML.BC. No.80/14.01.001/2013-14</u>	December 31, 2013
59.	<u>DBOD.AML.BC.No. 100/14.01.001/2013-14</u>	March 4, 2014
60.	<u>DBOD. AML. No. 16415 /14.01.001/2013-14</u>	March 28, 2014
61.	<u>DBOD.AML.BC.No.103/14.01.001/2013-14</u>	April 3, 2014
62.	<u>DBOD.AML.BC. No. 119/14.01.001/2013-14</u>	June 9, 2014
63.	<u>DBOD. AML.BC. No.124 /14.01.001/2013-14</u>	June 26, 2014
64.	<u>DBOD.AML.BC.No.26/14.01.001/2014-15</u>	July 17, 2014
65.	<u>DBOD.AML.BC.No. 39/14.01.001/2014-15</u>	September 4, 2014
66.	<u>DBOD. AML. BC. No. 44/14.01.001/2014-15</u>	October 21, 2014
67.	<u>DBR.AML.BC.No.77/14.01.001/2014-15</u>	March 13, 2015
68.	<u>DBR. AML. BC. No.104/ 14.01.001/ 2014-15</u>	June 11, 2015
69.	<u>DBR.AML.BC.No.36/14.01.001/2015-16</u>	August 28, 2015
70.	<u>DBR. AML.BC. No. 46/14.01.001/2015-16</u>	October 29, 2015
71.	<u>DBR.AML.BC.No.60/14.01.001/2015-16</u>	November 26, 2015
72.	<u>DBOD.NO.BC.23/21.01.001/92</u>	September 9, 1992
73.	<u>DBOD.BP.BC No. 56/21.01.001/ 2005-06</u>	January 23, 2006
74.	<u>DBOD.BP.BC.No. 50 /21.01.001/2011-12</u>	November 4, 2011
75.	<u>DBOD.BP.BC.No.87 /21.01.001//2013-14</u>	January 22, 2014
76.	<u>DBOD.No.BP.BC.110/21.02.051/98</u>	November 18, 1998

77.	<u>UBD.BPD.(PCB).Cir.No.69/14.01.062/2013-14</u>	June 10, 2014
78.	<u>UBD.BPD.(PCB).Cir.No.9/14.01.062/2013-14</u>	May 26, 2014
79.	<u>UBD.BPD.(PCB).Cir.No.54/14.01.062/2013-14</u>	April 7, 2014
80.	<u>UBD.BPD.(PCB).Cir.No.50/14.01.062/2013-14</u>	March 6, 2014
81.	<u>UBD.BPD.(PCB).Cir.No.48/14.01.062/2013-14</u>	February 18, 2014
82.	<u>UBD.BPD.(PCB).Cir.No.32/14.01.062/2013-14</u>	October 22, 2013
83.	<u>UBD.BPD.(PCB).Cir.No.15/14.01.062/2013-14</u>	September 17, 2013
84.	<u>UBD.BPD(AD).Cir.No.4/14.01.062/2013-14</u>	September 10, 2013
85.	<u>UBD.BPD.(PCB).Cir.No.11/14.01.062/2013-14</u>	September 05, 2013
86.	<u>UBD.BPD.(PCB).Cir.No.2/14.01.062/2013-14</u>	July 31, 2013
87.	<u>UBD.BPD(PCB)Cir.No.54/14.01.062/2012-13</u>	June 6, 2013
88.	<u>UBD.BPD(PCB)Cir.No.46/14.01.062/2012-13</u>	April 03, 2013
89.	<u>UBD.BPD(PCB)Cir.No.39/14.01.062/2012-13</u>	March 07, 2013
90.	<u>UBD.CO.PCB.Cir.No.37/14.01.062/2012-13</u>	February 25, 2013
91.	<u>UBD.BPD(PCB)Cir.No.34/14.01.062/2012-13</u>	January 28, 2013
92.	<u>UBD.BPD(PCB)Cir.No.28/14.01.062/2012-13</u>	December 19, 2012
93.	<u>UBD.BPD.(PCB).Cir.No.14/14.01.062/2012-13</u>	October 9, 2012
94.	<u>UBD.BPD.(PCB).Cir.No.8/14.01.062/2012-13</u>	September 13, 2012
95.	<u>UBD.CO.BPD(PCB).No.34/12.05.001/2011-12</u>	May 11, 2012
96.	<u>UBD.CO.BPD.No.24/12.05.001/2011-12</u>	March 5, 2012
97.	<u>UBD.BPD.(PCB).Cir.No.20/ 14.01.062/ 2011-12</u>	March 01, 2012
98.	<u>UBD.CO.BPD.No. 10/12.05.001/2011-12</u>	November 09, 2011
99.	<u>UBD.BPD.PCB.No. 8/12.05.001/2011-12</u>	November 9, 2011
100.	<u>UBD.CO.BPD.(PCB).Cir.No.9/ 14.01.062/2010-11</u>	May 2, 2011
101.	<u>UBD.CO.BPD.(PCB).Cir.No.8/ 14.01.062/2010-11</u>	May 2, 2011
102.	<u>UBD.CO.BPD.(PCB).Cir.No.7/ 14.01.062/2010-11</u>	March 17, 2011

135

103.	<u>UBD.CO.BPD.(PCB)Cir.No.6/ 14.01.062/2010-11</u>	March 17, 2011
104.	<u>UBD.BPD (PCB) No.38/ 12.05.001/2010-11</u>	March 15, 2011
105.	<u>UBD.BPD(PCB).No.37/12.05.001/2010-11</u>	February 18, 2011
106.	<u>UBD.CO.BPD.No.35/12.05.001/2010-11</u>	January 10, 2011
107.	<u>UBD.BPD.(PCB).No.32/12.05.001/2010-11</u>	December 28, 2010
108.	<u>UBD.BPD.(PCB).Cir.No.17/ 14.01.062/2010-11</u>	October 25, 2010
109.	<u>UBD.BPD.(PCB).Cir.No.12/ 12.05.001/2010-11</u>	September 15, 2010
110.	<u>UBD.BPD.(PCB)No.11/12.05.001/2010-11</u>	August 25, 2010
111.	<u>UBD.BPD.(PCB).No.10/12.05.001/2010-11</u>	August 23, 2010
112.	<u>UBD.BPD.(PCB).No.9/12.05.001/2010-11</u>	August 23, 2010
113.	<u>UBD.BPD.(PCB).Cir.No.7/ 14.01.062/2010-11</u>	August 12, 2010
114.	<u>UBD.BPD(PCB).Cir.No.71/ 12.05.001/2009-10</u>	June 15, 2010
115.	<u>UBD.BPD.CO.53/14.01.062/ 2009-2010</u>	April 1, 2010
116.	<u>UBD. BPD. (PCB).Cir. No. 41/12.05.001/ 2009-10</u>	February 3, 2010
117.	<u>UBD.BPD.CO.NSB1/38/1203.000/2009-10</u>	December 23, 2009
118.	<u>UBD.(PCB).CO.BPD.Cir.No.36/14.01.062/2009-10</u>	December 18, 2009
119.	<u>UBD.(PCB).CO.BPD.Cir.No.35/14.01.062/2009-10</u>	December 17, 2009
120.	<u>UBD.(PCB).CO.BPD.Cir.No.33/14.01.062/2009-10</u>	December 17, 2009
121.	<u>UBD.CO.BPD.PCB.Cir.No.23/ 12.05.001/2009-10</u>	November 16, 2009
122.	<u>UBD.CO.BPD.PCB.Cir.No.21/ 12.05.001/2009-10</u>	November 16, 2009
123.	<u>UBD.BPD.CO./NSB1/11/12.03.000/ 2009-10</u>	September 29, 2009
124.	<u>UBD.CO.BPD.PCB.Cir.No.9/ 12.05.001/ 2009-10</u>	September 16, 2009
125.	<u>UBD.CO.BPD(PCB).No.1/ 12.05.001/2008-09</u>	July 2, 2008
126.	<u>UBD.CO.BPD.(PCB).No.32/ 09.39.000/2007-08</u>	February 25, 2008
127.	<u>UBD.CO.BPD.(PCB).No.45/ 12.05.001/2006-07</u>	May 25, 2007
128.	<u>UBD.BPD.Cir.No.38./09.16.100/ 2005-06</u>	March 21, 2006

129.	<u>UBD.BPD.PCB.Cir.11/09.161.00/ 2005-06</u>	August 23, 2005
130.	<u>UBD.PCB.Cir.No.6/09.161.00/ 2005-06</u>	August 03, 2005
131.	<u>UBD.PCB.Cir. 30/09.161.00/2004-05</u>	December 15, 2004
132.	<u>UBD.BPD.PCB.Cir.02/09.161.00/ 2004-05</u>	July 09, 2004
133.	<u>UBD.BPD.PCB.Cir.48/09.161.00/ 2003-04</u>	May 29, 2004
134.	<u>UBD.No.BPD.PCB.Cir.41/ 09.161.00/2003-04</u>	March 26, 2004
135.	<u>UBD.No.DS.PCB.Cir.17/13.01.00/2002-03</u>	September 18, 2002
136.	<u>RPCD.RRB.RCB.AML.BC.No.112/07.51.018/2013-14</u>	June 16, 2014
137.	<u>RPCD.RRB.RCB.AML.BC.No.111/07.51.018/2013-14</u>	June 12, 2014
138.	<u>RPCD.RRB.RCB.AML.BC.No.97/07.51.018/2013-14</u>	April 25, 2014
139.	<u>RPCD.RRB.RCB.AML.BC.No.92/07.51.018/2013-14</u>	March 13, 2014
140.	<u>RPCD.RRB.RCB.AML.BC.No.75/07.51.018/2013-14</u>	January 09, 2014
141.	<u>RPCD.CO.RRB.RCB.BC.No.48/07.51.010/2013-14</u>	October 29, 2013
142.	<u>RPCD.RRB.RCB.AML.BC.No.37/07.51.018/2013-14</u>	September 18, 2013
143.	<u>RPCD.RRB.RCB.AML.BC.No.31/07.51.018/2013-14</u>	September 16, 2013
144.	<u>RPCD.RRB.RCB.AML.BC.No.32/07.51.018/2013-14</u>	September 10, 2013
145.	<u>RPCD.RRB.RCB.BC.No.84/07.51.018/2013-14</u>	July 25, 2013
146.	<u>RPCD.RCB.RRB.AML.BC.No.76/07.51.018/2012-13</u>	June 4, 2013
147.	<u>RPCD.RCB.RRB.AML.BC.No.71/07.51.018/2012-13</u>	April 1, 2013
148.	<u>RPCD.RRB.RCB.BC.No.63/07.51.018/2012-13</u>	30.01.2013
149.	<u>RPCD.RRB.RCB.BC.No.59/07.51.018/2012-13</u>	January 22, 2013
150.	<u>RPCD.CO.RRB.RCB.AML.No.6097/7.51.018/2012-13</u>	December 13, 2012
151.	<u>RPCD.CO.RRB.RCB.AML.BC.No.36/03.05.33(E)/2012-13</u>	October 15, 2012
152.	<u>RPCD.CO.RRB.RCB.AML.BC.No.29/03.05.33(E)/2012-13</u>	September 18, 2012
153.	<u>RPCD.CO.RRB.RCB.AML.BC.No.82/03.05.33(E)/2011-12</u>	June 11, 2012
154.	<u>RPCD.CO.RRB.RCB.AML.BC.No.81/07.40.00/2011-12</u>	June 11, 2012

155.	<u>RPCD.CO.RRB.RCB.AML.BC.No.70/07.40.00/2011-12</u>	April 18, 2012
156.	<u>RPCD.CO.RCB.AML.BC.No.52/07.40.00/2011-12</u>	January 04, 2012
157.	<u>RPCD.CO.RRB.AML.BC.No.51/03.05.33(E)/2011-12</u>	January 02, 2012
158.	<u>RPCD.CO.RCB.AML.BC.No.50/07.40.00/2011-12</u>	December 30, 2011
159.	<u>RPCD.CO.RRB.AML.BC.No.46/03.05.33(E)/2011-12</u>	December 21, 2011
160.	<u>RPCD.CO.RRB.AML.BC.NO.31/03.05.33(E)/2011-12</u>	November 16, 2011
161.	<u>RPCD.CO.RCB.AML.BC.No.23/07.40.00/2011-12</u>	October 17.10.2011
162.	<u>RPCD.CO.RRB.AML.BC.No.21/03.05.33(E)/2011-12</u>	October 13.10.2011
163.	<u>RPCD.CO.RRB.AML.BC.No.15/03.05.33(E)/2011-12</u>	August 8, 2011
164.	<u>RPCD.CO.RCB.AML.BC.No.63/07.40.00/2010-11</u>	April 26, 2011
165.	<u>RPCD.CO.RCB.AML.BC.No.50/07.40.00/2010-11</u>	February 2, 2011
166.	<u>RPCD.CO.RRB.AML.BC.No.46/03.05.33(E)/2010-11</u>	January 12, 2011
167.	<u>RPCD.CO.RCB.AML.BC.No.39/07.40.00/2010-11</u>	December 27, 2010
168.	<u>RPCD.CO.RRB.AML.BC.No.40/03.05.33(E)/2010-11</u>	December 24, 2010
169.	<u>RPCD.CO.RCB.AML.BC.No.37/07.40.00/2010-11</u>	December 10, 2010
170.	<u>RPCD.CO.RRB.AML.BC.No.31/03.05.33(E)/2010-11</u>	December 6, 2010
171.	<u>RPCD.CO.RF.AML.BC.No.20/07.40.00/2010-11</u>	September 13, 2010
172.	<u>RPCD.CO.RRB.AML.BC.No.19/03.05.33(E)/2010-11</u>	September 9, 2010
173.	<u>RPCD.CO.RF.AML.BC.No.12/4007.40.00/2010-11</u>	July 20, 2010
174.	<u>RPCD.CO.RRB.AML.BC.No.13/03.05.33(E)/2010-11</u>	July 22, 2010
175.	<u>RPCD.CO.RF.AML.BC.No.11/07.40.00/2010-11</u>	July 20, 2010
176.	<u>RPCD.CO.RF.AML.BC.No.89/07.40.00/2009-10</u>	June 25, 2010
177.	<u>RPCD.CORRB.AML.BC.No.87/03.05.33(E)/2009-10</u>	June 23, 2010
178.	<u>RPCD.CO.RF.AML.BC.No.88/07.40.00/2009-10</u>	June 25, 2010
179.	<u>RPCD.CO.RRB.AML.BC.No.86/03.05.33(E)/2009-10</u>	June 21, 2010
180.	<u>RPCD.CO.RF.AML.BC.No.84/07.40.00/2009-10</u>	May 14, 2010

181.	<u>RPCD.CO.RF.AML.BC.No.83/07.40.00/2009-10</u>	May 12, 2010
182.	<u>RPCD.CO.RRB.AML.No.67/03.05.33(E)/2009-10</u>	April 9, 2010
183.	<u>RPCD.CO.RF.AML.BC.No.83/07.40.00/2009-10</u>	March 3, 2010
184.	<u>RPCD.CO.RRB.No.39/03.05.33(E)/2009-10</u>	November 5, 2009
185.	<u>RPCD.CO.RF.AML.BC.No.34/07.40.00/2009-10</u>	October 29, 2009
186.	<u>RPCD.CO.RF.AML.BC.No.28/07.40.00/2009-10</u>	September 30, 2009
187.	<u>RPCD.CO.RRB.BC.No.27/03.05.33(E)/2009-10</u>	September 29, 2009
188.	<u>RPCD.CO.RCB.AML.BC.No.81/07.40.00/2007-08</u>	June 25, 2008
189.	<u>RPCD.CO.RRB.No.BC.77/03.05.33(E)/2007-08</u>	June 18, 2008
190.	<u>RPCD.CO.RF.AML.BC.No.51/07.40.00/2007-08</u>	February 28, 2008
191.	<u>RPCD.CO.RRB.No.BC.50/03.05.33(E)/2007-08</u>	February 27, 2008
192.	<u>RPCD.CO.RRB.AML.BC.No.98/03.05.28-A/2006-07</u>	May 21, 2007
193.	<u>RPCD.CO.RF.AML.BC.No.96/07.40.00/2006-07</u>	May 18, 2007
194.	<u>RPCD.CO.RRB.AML.BC.68/03.05.33(E)/2005-06</u>	March 9, 2006
195.	<u>RPCD.CO.RF.AML.BC.No.65/07.40.00/2005-06</u>	March 3, 2006
196.	<u>RPCD.No.RRB.BC.33/03.05.33(E)/2005-06</u>	August 23, 2005
197.	<u>RPCD.RF.AML.BC.No.30/07.40.00/2005-06</u>	August 23, 2005
198.	<u>RPCD.AML.BC.No.80/07.40.00/2004-05</u>	February 18, 2005
199.	<u>RPCD.No.RRB.BC.81/03.05.33 (E)/2004-05</u>	February 18, 2005
200.	<u>DNBS (PD) CC.No.46/02.02(RNBC)/2004-05</u>	December 30, 2004
201.	<u>DNBS(PD). CC 48/10.42/2004-05</u>	February 21, 2005
202.	<u>DNBS(PD).CC No. 58/10.42/2005-06</u>	October 11, 2005
203.	<u>DNBS.PD. CC No. 64/03.10.042/2005-06</u>	March 7, 2006
204.	<u>DNBS (PD). CC 113/03.10.042/2007- 08</u>	April 23, 2008
205.	<u>DNBS (PD). CC 163/03.10.042/2009- 10</u>	November 13, 2009
206.	<u>DNBS (PD).CC. No 166/03.10.42/2009-10</u>	December 2, 2009

207.	<u>DNBS. (PD) CC No 192/03.10.42/2010-11</u>	August 9, 2010
208.	<u>DNBS. (PD) CC No 193/03.10.42/2010-11</u>	August 9, 2011
209.	<u>DNBS (PD).CC. No 201/03.10.42 /2010-11</u>	September 22.9.2010
210.	<u>DNBS (PD).CC. No 202/03.10.42/2010-11</u>	October 4, 2010
211.	<u>DNBS(PD).CC.No209/03.10.42/2010- 11</u>	January 28, 2011
212.	<u>DNBS(PD).CC.No210/03.10.42/2010-11</u>	February 14, 2011
213.	<u>DNBS.(PD)CCNo212/03.10.42/2010-11</u>	March 8.3. 2011
214.	<u>DNBS(PD).CC. No.216/03.10.42/2010-11</u>	May 2, 2011
215.	<u>DNBS(PD).CC.No218/03.10.42/2010-11</u>	May 4, 2011
216.	<u>DNBS.(PD)CC No215/03.10.42/2010-11</u>	April 5, 2011
217.	<u>DNBS (PD).CC. No 242/03.10.42/2011-12</u>	September 15, 2011
218.	<u>DNBS (PD).CC. No 244/03.10.42/2011-12</u>	September 22, 2011
219.	<u>DNBS (PD).CC. No 251/03.10.42/2011-12</u>	December 26, 2011
220.	<u>DNBS (PD).CC. No 257/03.10.42/2011-12</u>	March 14, 2012
221.	<u>DNBS (PD).CC. No 264/03.10.42/2011-12</u>	March 21, 2012
222.	<u>DNBS(PD).CC. No.270/03.10.42/2011-12</u>	April 4, 2012
223.	<u>DNBS (PD).CC. No 275/03.10.42/2011-12</u>	May 29, 2012
224.	<u>DNBS (PD).CC. No 294/03.10.42/2012-13</u>	July 5, 2012
225.	<u>DNBS (PD).CC. No 295/03.10.42/2012-13</u>	July 11, 2012
226.	<u>DNBS (PD).CC. No 296/03.10.42/2012-13</u>	July 11, 2012
227.	<u>DNBS (PD).CC. No 298/03.10.42/2012-13</u>	July 26, 2012
228.	<u>DNBS (PD).CC. No 302/03.10.42/2012-13</u>	September 7, 2012
229.	<u>DNBS (PD).CC. No 304/03.10.42/2012-13</u>	September 17, 2012
230.	<u>DNBS (PD).CC. No 305/03.10.42/2012-13</u>	October 3, 2012
231.	<u>DNBS (PD).CC. No 306/03.10.42/2012-13</u>	October 3, 2012
232.	<u>DNBS (PD).CC. No 310/03.10.42/2012-13</u>	November 22, 2012

233.	<u>DNBS (PD).CC. No 313/03.10.42/2012-13</u>	December 10, 2012
234.	<u>DNBS (PD).CC. No 318/03.10.42/2012-13</u>	December 28, 2012
235.	<u>DNBS (PD).CC. No 319/03.10.42/2012-13</u>	December 28, 2012
236.	<u>DNBS (PD).CC. No 321/03.10.42/2012-13</u>	February 27, 2013
237.	<u>DNBS (PD).CC. No 323/03.10.42/2012-13</u>	April 18, 2013
238.	<u>DNBS (PD).CC. No 324/03.10.42/2012-13</u>	May 2, 2013
239.	<u>DNBS (PD).CC. No 325/03.10.42/2012-13</u>	May 3, 2013
240.	<u>DNBS(PD).CC.No.351/03.10.42/2013-14</u>	July 4, 2013
241.	<u>DNBS (PD).CC. No 352/03.10.42/2013-14</u>	July 23, 2013
242.	<u>DNBS(PD).CC.No 357/03.10.42/2013-14</u>	October 3, 2013
243.	<u>DNBS(PD).CC NO 358/03.10.42/2013-14</u>	October 3, 2013
244.	<u>DNBS(PD).CC.No.364/03.10.42/2013-14</u>	January 1, 2014
245.	<u>DNBS(PD).CC.No.366/03.10.42/2013-14</u>	January 10, 2014
246.	<u>DNBS (PD).CC. No 370/03.10.42/2013-14</u>	March 19, 2014
247.	<u>DNBS(PD).CC.No.375/03.10.42/2013-14</u>	April 22, 2014
248.	<u>DNBS (PD).CC. No 401/03.10.42/2014-15</u>	July 25, 2014
249.	<u>DNBS (PD).CC. No 402/03.10.42/2014-15</u>	August 1, 2014
250.	<u>DNBS (PD).CC. No 404/03.10.42/2014-15</u>	August 1, 2014
251.	<u>DNBR.CC.PD.No.010/03.10.01/2014-15</u>	January 09, 2015
252.	<u>DNBR(PD).CC.No.034/03.10.42/2014-15</u>	April 30, 2015
253.	DBOD.No.IBS.1816/23.67.001/98-99	February 4, 1999

141

List of Circulars Repealed Partially, with the issuance of Master Direction

Sr.No.	Circular No.	Date
1.	DBOD.BP.BC.57/21.01.001/95 – Paragraph 2(b)	May 4, 1995
2.	DBS.FGV.BC.56.23.04.001/98-99 Paragraph "(b) Concept of "Know Your Customer" (para. 9.2)"	June 21, 1999

Dr.
f.c.

ITEM NO.5+56

Court No.5

SECTION PIL

142
ANNEXURE P/5

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY(RETD)

& ANR

...Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

...Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013

(With appln(s) for stay and office report)

(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013 (With

appln(s) for stay and office report)

W.P.(C) No. 829 of 2013

(With appln(s) for interim relief and office report) Date:

23/09/2013 These Petitions were called on for hearing
today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

//TRUE TYPED COPY//

For Petitioner(s) Mr. Anil B. Divan, Sr. Adv.
Mr. Ankit Goel, Adv.

Mr. Ranvir Singh, Adv.

Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Ms. Deepshikha Bharati, Adv.

Mr. S.S. Shamsbery, Adv.

Mr. Rajeev Kr. Singh, Adv.

Mr. Nachiketa Joshi, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.

Mrs. Geetha Kovilan, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Meenakshi Chauhan, Adv.

Mr. Varun Singh, Adv.

Mr. Gaurav Nair, Adv. for

M/s. K.J. John & Co.

For Respondent(s) Mr. Mohan Parasaran, SG

Mr. L. Nageshwar Rao, ASG

Mr. Farrukh Rasheed, Adv.

Mr. Alok Mishra, Adv.

Mr. D.S. Mahra, Adv.

//TRUE TYPED COPY//

UPON hearing counsel the Court made the following

ORDER

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of petitioner no. 1 in
T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013
are allowed in terms of the signed order.

All the matters require to be heard finally. List all matters
for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting
the Adhaar card inspite of the fact that some authority had issued a
circular making it mandatory and when any person applies to get the
Adhaar Card voluntarily, it may be checked whether that person is
entitled for it under the law and it should not be given to any illegal
immigrant.

	(DEEPAK MANSUKHANI)		(M.S. NEGI)	
	Court Master		Court Master	

(Signed order is placed on the file)

//TRUE TYPED COPY//

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO(s). 47-48 OF 2013

THE GOVT. OF INDIA & ORS. ETC.

....Petitioner(s)

VERSUS

S. RAJU & ANR. ETC.

....Respondent(s)

WITH

TRANSFER PETITION(CIVIL) NO(s). 476 OF 2013

ORDER

Heard learned counsel for the parties.

Having regard to the facts and circumstances of the case,
we are satisfied that this is a fit case where the prayer for transfer
is to be allowed.

//TRUE TYPED COPY//

On the facts of the case, we allow these Transfer Petitions and direct that W.P(C) No. 439 of 2012 titled S. Raju Vs. Govt. of India and Others pending before the D.B. of the High Court of Judicature at Madras and PIL No. 10 of 2012 titled Vickram Crishna and Others Vs. UIDAI and Others pending before the High Court of Judicature at Bombay be transferred to this Court. The Registry of the High Court of Madras and Registry of the High Court of Bombay are requested to transmit the original records to this Court expeditiously.

These Transfer Petitions are accordingly allowed.

.....J.

(Dr. B.S. CHAUHAN)

.....J.

(S.A. BOBDE)

NEW DELHI;

SEPTEMBER 23, 2013.



//TRUE TYPED COPY//

ANNEXURE P/6 147

ANNEXURE P7 - 4942012326112013p

ITEM NO.1

COURT NO.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY(RETD)& ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for directions, stay, intervention, clarification /
modification of court's order, impleadment and office report)
(For final disposal)

WITH W.P(C) NO. 829 of 2013

(With appln(s) for interim relief and impleadment and office report)
(For final disposal)

W.P(C) NO. 932 of 2013

(With appln(s) for directions and office report)

W.P.(C) No. 833 of 2013

(With appln(s) for directions & impleadment & office report)
(For final disposal)

T.C.(C) No. .../2013 @ T.P.(C) No. 47-48/2013

(With appln(s) for stay and deletion of the name of petitioner)
(For final disposal)

T.C.(C) No./2013 @ T.C.(C) No. 476/2013

(With appln(s) for stay)
(For final disposal)

Date: 26/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Soli J. Sorabjee, Sr. Adv.

Mr. Mehernaz Mehta, Adv.

Mr. Ankit, Adv.

Mr. Anil B. Diwan, Sr. Adv.

Mr. Ankit Goel, Adv.

Ms. Deepshikha Bharti, Adv.

Ms. Nachiketa Joshi, Adv.

M. Pattabhi Ram, Adv.

Mr. S.S. Shamsheerya, Adv.

Mr. Nishant Katreswarkar, Adv.

Mr. Mehernaaz Mehta, Adv.

Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Mr. Mohit Chaudhary, Adv.

Ms. Varnika Singh, Adv.

Mr. Imran Ali, Adv.

-2-

Ms. Damani Chawla, Adv.

Mr. Harsh Sharma, Adv.

Ms. Jyoti Mendiratta, Adv.

Mr. Shyam Divan, Sr. Adv.

Page 1

ANNEXURE P7 - 4942012326112013p

Mr. Pratap Venugopal, Adv.
 Ms. Meenakshi Chauhan, Adv.
 Mr. Varun Singh, adv.
 Mr. Anuj Sarna, Adv.
 Mr. Nirman Sharma, Adv.
 Mr. Abhinav Malhotra, Adv.
 M/S. K.J. John & Co., Adv.

Mr. P.S. Narashima, Sr. Adv.
 Mr. V. Mohana, Adv.
 Mr. B. Raghunath, Adv.
 Mr. S. Prasana, Adv.
 Mr. Ishaan Geroge, Adv.
 Mr. Vijay Kumar.

Ms. Aishwarya Bhati, Adv.
 Mr. D.S. Mahra, Adv.

Mr. P.R. Kovilan, Adv.
 Mrs. Geetha Kovilan, Adv.

For Respondent(s)

Mr. Mohan Parasaran, S.G.
 Mr. Alok Kumar, Adv.
 Mr. Alok Prassana, Adv.
 Mr. Anupam Prasad, Adv.
 Mr. D.S. Mahra, Adv.

Mr. Sunil Kumar, Sr. Adv.
 Mr. Tapes Kumar Singh, Adv.
 Mr. Mohd. Waquas, Adv.

Mr. Mohit D. Ram, Adv.
 Ms. Madhvi Chaudary, Adv.
 Mr. Vasv Anant Raman, Adv.

For Intervenors

Mr. L. Nageshwara Rao, ASG
 Mr. Amit Meharia, Adv.
 Ms. Khushbu Jain, Adv.
 For M/s Meharia & Co., Adv.

Mr. Sai Krishna Rajgopal, Adv.
 Ms. Julian George, Adv.

-3-

Mr. Nikhil Nayyar, Adv.
 Ms. Pritha Srikumar Iyer, Adv.
 Mr. Dhananjay Baijal, Adv.
 Ms. Akanksha, Adv.

UPON hearing counsel the Court made the following
 O R D E R

After hearing the matter at length, we are of the view that all the States and Union Territories have to be impleaded as respondents to give effective directions. In view thereof notice be issued to all the States and Union Territories through standing counsel.

The advocates who have already entered appearance must file their replies within a period of three days from today.

ANNEXURE P7 - 4942012326112013p

Learned standing counsel for the States who were not represented may take instructions from their respective States and file their response within one week.

List this matter for further hearing on 10th December, 2013.

Interim order to continue, in the meantime.

[Neeta]
Sr. P.A.

[M.S. Negi]
Court Master

Dr.
T.C.

ITEM NO.57

COURT NO.4

ANNEXURE P/7 . 150

SECTION IIA

SUPREMECOURT OF INDIA

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2524/2014

(From the judgement and order dated 26/02/2014 in CRLWP
No.10/2014, of The HIGH COURT OF BOMBAY AT PANAJI)

UNIQUE IDENTIFICATION AUTH.OF INDIA &ANR Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION Respondent(s)

(With appln. for exemption from filing c/c of the impugned
Judgment and office report)

Date: 24/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr.Mohan Parasaran, SG

Mr.Rakesh Khanna, ASG

Mr. Zohen Hossain, Adv.

Mr. Alok Mishra, Adv.

Mr. D.S. Mahra,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

//TRUE AND TYPED COPY//

O R D

E R

Issue notice.

In addition to normal mode of service, dasti service, is permitted.

Operation of the impugned order shall remain stayed.

In the meanwhile, the present petitioner is restrained from transferring any biometric information of any person who has been allotted the Aadhaar number to any other agency without his consent in writing.

More so, no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled. All the authorities are directed to modify their forms/circulars/likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by this Court forthwith.

Tag and list the matter with main matter i.e. WP(C) No.494/2012.

[Usha Bhardwaj] [M.S. Negi]

A.R.-cum-P.S. Assistant Registrar



//TRUE AND TYPED COPY//

ANNEXURE 1/8

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—16

REGISTERED NO. DL—(N)04/0007/2003—16



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 19] नई दिल्ली, शनिवार, मार्च 26, 2016/चैत्र 6, 1938 (शक)
No. 19] NEW DELHI, SATURDAY, MARCH 26, 2016/CHAITRA 6, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 26th March, 2016/Chaitra 6, 1938 (Saka)

The following Act of Parliament received the assent of the President on the 25th March, 2016, and is hereby published for general information:—

THE AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES, BENEFITS AND SERVICES) ACT, 2016

No. 18 OF 2016

[25th March, 2016.]

An Act to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir and save as otherwise provided in this Act, it shall also apply to any offence or contravention thereunder committed outside India by any person.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may, be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

Short title,
extent and
commen-
cement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Aadhaar number” means an identification number issued to an individual under sub-section (3) of section 3;

(b) “Aadhaar number holder” means an individual who has been issued an Aadhaar number under this Act;

(c) “authentication” means the process by which the Aadhaar number along with demographic information or biometric information of an individual is submitted to the Central Identities Data Repository for its verification and such Repository verifies the correctness, or the lack thereof, on the basis of information available with it;

(d) “authentication record” means the record of the time of authentication and identity of the requesting entity and the response provided by the Authority thereto;

(e) “Authority” means the Unique Identification Authority of India established under sub-section (1) of section 11;

(f) “benefit” means any advantage, gift, reward, relief, or payment, in cash or kind, provided to an individual or a group of individuals and includes such other benefits as may be notified by the Central Government;

(g) “biometric information” means photograph, finger print, Iris scan, or such other biological attributes of an individual as may be specified by regulations;

(h) “Central Identities Data Repository” means a centralised database in one or more locations containing all Aadhaar numbers issued to Aadhaar number holders along with the corresponding demographic information and biometric information of such individuals and other information related thereto;

(i) “Chairperson” means the Chairperson of the Authority appointed under section 12;

(j) “core biometric information” means finger print, Iris scan, or such other biological attribute of an individual as may be specified by regulations;

(k) “demographic information” includes information relating to the name, date of birth, address and other relevant information of an individual, as may be specified by regulations for the purpose of issuing an Aadhaar number, but shall not include race, religion, caste, tribe, ethnicity, language, records of entitlement, income or medical history;

(l) “enrolling agency” means an agency appointed by the Authority or a Registrar, as the case may be, for collecting demographic and biometric information of individuals under this Act;

(m) “enrolment” means the process, as may be specified by regulations, to collect demographic and biometric information from individuals by the enrolling agencies for the purpose of issuing Aadhaar numbers to such individuals under this Act;

(n) “identity information” in respect of an individual, includes his Aadhaar number, his biometric information and his demographic information;

(o) “Member” includes the Chairperson and Member of the Authority appointed under section 12;

(p) “notification” means a notification published in the Official Gazette and the expression “notified” with its cognate meanings and grammatical variations shall be construed accordingly;

(q) “prescribed” means prescribed by rules made by the Central Government under this Act;

(r) "records of entitlement" means records of benefits, subsidies or services provided to, or availed by, any individual under any programme;

(s) "Registrar" means any entity authorised or recognised by the Authority for the purpose of enrolling individuals under this Act;

(t) "regulations" means the regulations made by the Authority under this Act;

(u) "requesting entity" means an agency or person that submits the Aadhaar number, and demographic information or biometric information, of an individual to the Central Identities Data Repository for authentication;

(v) "resident" means an individual who has resided in India for a period or periods amounting in all to one hundred and eighty-two days or more in the twelve months immediately preceding the date of application for enrolment;

(w) "service" means any provision, facility, utility or any other assistance provided in any form to an individual or a group of individuals and includes such other services as may be notified by the Central Government;

(x) "subsidy" means any form of aid, support, grant, subvention, or appropriation, in cash or kind, to an individual or a group of individuals and includes such other subsidies as may be notified by the Central Government.

CHAPTER II

ENROLMENT

3. (1) Every resident shall be entitled to obtain an Aadhaar number by submitting his demographic information and biometric information by undergoing the process of enrolment:

Aadhaar
number.

Provided that the Central Government may, from time to time, notify such other category of individuals who may be entitled to obtain an Aadhaar number.

(2) The enrolling agency shall, at the time of enrolment, inform the individual undergoing enrolment of the following details in such manner as may be specified by regulations, namely:—

(a) the manner in which the information shall be used;

(b) the nature of recipients with whom the information is intended to be shared during authentication; and

(c) the existence of a right to access information, the procedure for making requests for such access, and details of the person or department in-charge to whom such requests can be made.

(3) On receipt of the demographic information and biometric information under sub-section (1), the Authority shall, after verifying the information, in such manner as may be specified by regulations, issue an Aadhaar number to such individual.

4. (1) An Aadhaar number, issued to an individual shall not be re-assigned to any other individual.

Properties of
Aadhaar
number.

(2) An Aadhaar number shall be a random number and bear no relation to the attributes or identity of the Aadhaar number holder.

(3) An Aadhaar number, in physical or electronic form subject to authentication and other conditions, as may be specified by regulations, may be accepted as proof of identity of the Aadhaar number holder for any purpose.

Explanation.— For the purposes of this sub-section, the expression "electronic form" shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000.

155

Special measures for issuance of Aadhaar number to certain category of persons.

5. The Authority shall take special measures to issue Aadhaar number to women, children, senior citizens, persons with disability, unskilled and unorganised workers, nomadic tribes or to such other persons who do not have any permanent dwelling house and such other categories of individuals as may be specified by regulations.

Update of certain information.

6. The Authority may require Aadhaar number holders to update their demographic information and biometric information, from time to time, in such manner as may be specified by regulations, so as to ensure continued accuracy of their information in the Central Identities Data Repository.

CHAPTER III

AUTHENTICATION

Proof of Aadhaar number necessary for receipt of certain subsidies, benefits and services, etc.

7. The Central Government or, as the case may be, the State Government may, for the purpose of establishing identity of an individual as a condition for receipt of a subsidy, benefit or service for which the expenditure is incurred from, or the receipt therefrom forms part of, the Consolidated Fund of India, require that such individual undergo authentication, or furnish proof of possession of Aadhaar number or in the case of an individual to whom no Aadhaar number has been assigned, such individual makes an application for enrolment:

Provided that if an Aadhaar number is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service.

Authentication of Aadhaar number.

8. (1) The Authority shall perform authentication of the Aadhaar number of an Aadhaar number holder submitted by any requesting entity, in relation to his biometric information or demographic information, subject to such conditions and on payment of such fees and in such manner as may be specified by regulations.

(2) A requesting entity shall—

(a) unless otherwise provided in this Act, obtain the consent of an individual before collecting his identity information for the purposes of authentication in such manner as may be specified by regulations; and

(b) ensure that the identity information of an individual is only used for submission to the Central Identities Data Repository for authentication.

(3) A requesting entity shall inform, in such manner as may be specified by regulations, the individual submitting his identity information for authentication, the following details with respect to authentication, namely:—

(a) the nature of information that may be shared upon authentication;

(b) the uses to which the information received during authentication may be put by the requesting entity; and

(c) alternatives to submission of identity information to the requesting entity.

(4) The Authority shall respond to an authentication query with a positive, negative or any other appropriate response sharing such identity information excluding any core biometric information.

Aadhaar number not evidence of citizenship or domicile, etc.

9. The Aadhaar number or the authentication thereof shall not, by itself, confer any right of, or be proof of, citizenship or domicile in respect of an Aadhaar number holder.

Central Identities Data Repository.

10. The Authority may engage one or more entities to establish and maintain the Central Identities Data Repository and to perform any other functions as may be specified by regulations.

CHAPTER IV

UNIQUE IDENTIFICATION AUTHORITY OF INDIA

11. (1) The Central Government shall, by notification, establish an Authority to be known as the Unique Identification Authority of India to be responsible for the processes of enrolment and authentication and perform such other functions assigned to it under this Act.

Establishment
of Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The head office of the Authority shall be in New Delhi.

(4) The Authority may, with the prior approval of the Central Government, establish its offices at other places in India.

12. The Authority shall consist of a Chairperson, appointed on part-time or full-time basis, two part-time Members, and the chief executive officer who shall be Member-Secretary of the Authority, to be appointed by the Central Government.

Composition
of Authority.

13. The Chairperson and Members of the Authority shall be persons of ability and integrity having experience and knowledge of at least ten years in matters relating to technology, governance, law, development, economics, finance, management, public affairs or administration.

Qualifications
for
appointment
of
Chairperson
and Members
of Authority.

14. (1) The Chairperson and the Members appointed under this Act shall hold office for a term of three years from the date on which they assume office and shall be eligible for re-appointment:

Term of
office and
other
conditions of
service of
Chairperson
and Members.

Provided that no person shall hold office as the Chairperson or Member after he has attained the age of sixty-five years.

(2) The Chairperson and every Member shall, before entering office, make and subscribe to, an oath of office and of secrecy, in such form and in such manner and before such Authority as may be prescribed.

(3) Notwithstanding anything contained in sub-section (1), the Chairperson or Member may—

(a) relinquish his office, by giving in writing to the Central Government, a notice of not less than thirty days; or

(b) be removed from his office in accordance with the provisions of section 15.

(4) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and allowances or remuneration payable to part-time Members shall be such as may be prescribed.

15. (1) The Central Government may remove from office, the Chairperson, or a Member, who—

Removal of
Chairperson
and Members.

(a) is, or at any time has been adjudged as insolvent;

(b) has become physically or mentally incapable of acting as the Chairperson or, as the case may be, a Member;

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or, as the case may be, a Member; or

(e) has, in the opinion of the Central Government, so abused his position as to render his continuance in office detrimental to the public interest.

(2) The Chairperson or a Member shall not be removed under clause (b), clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard.

Restrictions
on
Chairperson
or Members
on
employment
after cessation
of office.

16. The Chairperson or a Member on ceasing to hold office for any reason, shall not, without previous approval of the Central Government,—

(a) accept any employment in, or be connected with the management of any organisation, company or any other entity which has been associated with any work done or contracted out by the Authority, whether directly or indirectly, during his tenure as Chairperson or Member, as the case may be, for a period of three years from the date on which he ceases to hold office:

Provided that nothing contained in this clause shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or provincial Act or a Government Company, as defined in clause (45) of section 2 of the Companies Act, 2013;

18 of 2013.

(b) act, for or on behalf of any person or organisation in connection with any specific proceeding or transaction or negotiation or a case to which the Authority is a party and with respect to which the Chairperson or such Member had, before cessation of office, acted for or provided advice to, the Authority;

(c) give advice to any person using information which was obtained in his capacity as the Chairperson or a Member and being unavailable to or not being able to be made available to the public; or

(d) enter, for a period of three years from his last day in office, into a contract of service with, accept an appointment to a board of directors of, or accept an offer of employment with, an entity with which he had direct and significant official dealings during his term of office.

Functions of
Chairperson.

17. The Chairperson shall preside over the meetings of the Authority, and without prejudice to any provision of this Act, exercise and discharge such other powers and functions of the Authority as may be prescribed.

Chief
executive
officer.

18. (1) There shall be a chief executive officer of the Authority, not below the rank of Additional Secretary to the Government of India, to be appointed by the Central Government.

(2) The chief executive officer shall be the legal representative of the Authority and shall be responsible for—

(a) the day-to-day administration of the Authority;

(b) implementing the work programmes and decisions adopted by the Authority;

(c) drawing up of proposal for the Authority's decisions and work programmes;

(d) the preparation of the statement of revenue and expenditure and the execution of the budget of the Authority; and

(e) performing such other functions, or exercising such other powers, as may be specified by regulations.

(3) Every year, the chief executive officer shall submit to the Authority for approval—

(a) a general report covering all the activities of the Authority in the previous year;

(b) programmes of work;

(c) the annual accounts for the previous year; and

(d) the budget for the coming year.

(4) The chief executive officer shall have administrative control over the officers and other employees of the Authority.

19. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings, including quorum at such meetings, as may be specified by regulations.

Meetings of
Authority.

(2) The Chairperson, or, if for any reason, he is unable to attend a meeting of the Authority, the senior most Member shall preside over the meetings of the Authority.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes by the Members present and voting and in the event of an equality of votes, the Chairperson or in his absence the presiding Member shall have a casting vote.

(4) All decisions of the Authority shall be signed by the Chairperson or any other Member or the Member-Secretary authorised by the Authority in this behalf.

(5) If any Member, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any manner coming up for consideration at a meeting of the Authority, he shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Authority, and the Member shall not take part in any deliberation or decision of the Authority with respect to that matter.

20. No act or proceeding of the Authority shall be invalid merely by reason of—

Vacancies,
etc., not to
invalidate
proceedings
of Authority.

(a) any vacancy in, or any defect in the constitution of, the Authority;

(b) any defect in the appointment of a person as Chairperson or Member of the Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

21. (1) The Authority may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required by the Authority in the discharge of its functions.

Officers and
other
employees of
Authority.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the chief executive officer and other officers and other employees of the Authority shall be such as may be specified by regulations with the approval of the Central Government.

22. On and from the establishment of the Authority—

Transfer of
assets,
liabilities of
Authority.

(a) all the assets and liabilities of the Unique Identification Authority of India, established *vide* notification of the Government of India in the Planning Commission number A-43011/02/2009-Admin. I, dated the 28th January, 2009, shall stand transferred to, and vested in, the Authority.

Explanation.—The assets of such Unique Identification Authority of India shall be deemed to include all rights and powers, and all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of such Unique Identification Authority of India and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;

(b) without prejudice to the provisions of clause (a), all data and information collected during enrolment, all details of authentication performed, debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for such Unique Identification Authority of India immediately before that day, for or in connection with the purpose of the said Unique Identification Authority of India, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Authority;

Powers and
functions of
Authority.

(c) all sums of money due to the said Unique Identification Authority of India immediately before that day shall be deemed to be due to the Authority; and

(d) all suits and other legal proceedings instituted or which could have been instituted by or against such Unique Identification Authority of India immediately before that day may be continued or may be instituted by or against the Authority.

23. (1) The Authority shall develop the policy, procedure and systems for issuing Aadhaar numbers to individuals and perform authentication thereof under this Act.

(2) Without prejudice to sub-section (1), the powers and functions of the Authority, *inter alia*, include—

(a) specifying, by regulations, demographic information and biometric information required for enrolment and the processes for collection and verification thereof;

(b) collecting demographic information and biometric information from any individual seeking an Aadhaar number in such manner as may be specified by regulations;

(c) appointing of one or more entities to operate the Central Identities Data Repository;

(d) generating and assigning Aadhaar numbers to individuals;

(e) performing authentication of Aadhaar numbers;

(f) maintaining and updating the information of individuals in the Central Identities Data Repository in such manner as may be specified by regulations;

(g) omitting and deactivating of an Aadhaar number and information relating thereto in such manner as may be specified by regulations;

(h) specifying the manner of use of Aadhaar numbers for the purposes of providing or availing of various subsidies, benefits, services and other purposes for which Aadhaar numbers may be used;

(i) specifying, by regulations, the terms and conditions for appointment of Registrars, enrolling agencies and service providers and revocation of appointments thereof;

(j) establishing, operating and maintaining of the Central Identities Data Repository;

(k) sharing, in such manner as may be specified by regulations, the information of Aadhaar number holders, subject to the provisions of this Act;

(l) calling for information and records, conducting inspections, inquiries and audit of the operations for the purposes of this Act of the Central Identities Data Repository, Registrars, enrolling agencies and other agencies appointed under this Act;

(m) specifying, by regulations, various processes relating to data management, security protocols and other technology safeguards under this Act;

(n) specifying, by regulations, the conditions and procedures for issuance of new Aadhaar number to existing Aadhaar number holder;

(o) levying and collecting the fees or authorising the Registrars, enrolling agencies or other service providers to collect such fees for the services provided by them under this Act in such manner as may be specified by regulations;

(p) appointing such committees as may be necessary to assist the Authority in discharge of its functions for the purposes of this Act;

(q) promoting research and development for advancement in biometrics and related areas, including usage of Aadhaar numbers through appropriate mechanisms;

- (r) evolving of, and specifying, by regulations, policies and practices for Registrars, enrolling agencies and other service providers;
- (s) setting up facilitation centres and grievance redressal mechanism for redressal of grievances of individuals, Registrars, enrolling agencies and other service providers;
- (t) such other powers and functions as may be prescribed.

(3) The Authority may,—

(a) enter into Memorandum of Understanding or agreement, as the case may be, with the Central Government or State Governments or Union territories or other agencies for the purpose of performing any of the functions in relation to collecting, storing, securing or processing of information or delivery of Aadhaar numbers to individuals or performing authentication;

(b) by notification, appoint such number of Registrars, engage and authorise such agencies to collect, store, secure, process information or do authentication or perform such other functions in relation thereto,

as may be necessary for the purposes of this Act.

(4) The Authority may engage such consultants, advisors and other persons as may be required for efficient discharge of its functions under this Act on such allowances or remuneration and terms and conditions as may be specified by contract.

CHAPTER V

GRANTS, ACCOUNTS AND AUDIT AND ANNUAL REPORT

24. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority, grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants by
Central
Government.

25. The fees or revenue collected by the Authority shall be credited to the Consolidated Fund of India.

Other fees
and revenues.

26. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit.

(2) The accounts of the Authority shall be audited annually by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit the accounts of the Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts, and in particular, shall have the right to demand production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Authority.

(4) The accounts of the Authority, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Authority and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

27. (1) The Authority shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and particulars in regard to any matter under the jurisdiction of the Authority, as the Central Government may from time to time require.

Returns and
annual report,
etc.

(2) The Authority shall prepare, once in every year, and in such form and manner and at such time as may be prescribed, an annual report giving—

- (a) a description of all the activities of the Authority for the previous years;
- (b) the annual accounts for the previous year; and
- (c) the programmes of work for coming year.

(3) A copy of the report received under sub-section (2) shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.

CHAPTER VI

PROTECTION OF INFORMATION

Security and
confidentiality
of
information.

28. (1) The Authority shall ensure the security of identity information and authentication records of individuals.

(2) Subject to the provisions of this Act, the Authority shall ensure confidentiality of identity information and authentication records of individuals.

(3) The Authority shall take all necessary measures to ensure that the information in the possession or control of the Authority, including information stored in the Central Identities Data Repository, is secured and protected against access, use or disclosure not permitted under this Act or regulations made thereunder, and against accidental or intentional destruction, loss or damage.

(4) Without prejudice to sub-sections (1) and (2), the Authority shall—

(a) adopt and implement appropriate technical and organisational security measures;

(b) ensure that the agencies, consultants, advisors or other persons appointed or engaged for performing any function of the Authority under this Act, have in place appropriate technical and organisational security measures for the information; and

(c) ensure that the agreements or arrangements entered into with such agencies, consultants, advisors or other persons, impose obligations equivalent to those imposed on the Authority under this Act, and require such agencies, consultants, advisors and other persons to act only on instructions from the Authority.

(5) Notwithstanding anything contained in any other law for the time being in force, and save as otherwise provided in this Act, the Authority or any of its officers or other employees or any agency that maintains the Central Identities Data Repository shall not, whether during his service or thereafter, reveal any information stored in the Central Identities Data Repository or authentication record to anyone:

Provided that an Aadhaar number holder may request the Authority to provide access to his identity information excluding his core biometric information in such manner as may be specified by regulations.

Restriction on
sharing
information.

29. (1) No core biometric information, collected or created under this Act, shall be—

(a) shared with anyone for any reason whatsoever; or

(b) used for any purpose other than generation of Aadhaar numbers and authentication under this Act.

(2) The identity information, other than core biometric information, collected or created under this Act may be shared only in accordance with the provisions of this Act and in such manner as may be specified by regulations.

(3) No identity information available with a requesting entity shall be—

(a) used for any purpose, other than that specified to the individual at the time of submitting any identity information for authentication; or

(b) disclosed further, except with the prior consent of the individual to whom such information relates.

(4) No Aadhaar number or core biometric information collected or created under this Act in respect of an Aadhaar number holder shall be published, displayed or posted publicly, except for the purposes as may be specified by regulations.

21 of 2000. 30. The biometric information collected and stored in electronic form, in accordance with this Act and regulations made thereunder, shall be deemed to be "electronic record" and "sensitive personal data or information", and the provisions contained in the Information Technology Act, 2000 and the rules made thereunder shall apply to such information, in addition to, and to the extent not in derogation of the provisions of this Act. Biometric information deemed to be sensitive personal information.

Explanation.— For the purposes of this section, the expressions—

21 of 2000. (a) "electronic form" shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000;

21 of 2000. (b) "electronic record" shall have the same meaning as assigned to it in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000;

21 of 2000. (c) "sensitive personal data or information" shall have the same meaning as assigned to it in clause (iii) of the *Explanation* to section 43A of the Information Technology Act, 2000.

31. (1) In case any demographic information of an Aadhaar number holder is found incorrect or changes subsequently, the Aadhaar number holder shall request the Authority to alter such demographic information in his record in the Central Identities Data Repository in such manner as may be specified by regulations. Alteration of demographic information or biometric information.

(2) In case any biometric information of Aadhaar number holder is lost or changes subsequently for any reason, the Aadhaar number holder shall request the Authority to make necessary alteration in his record in the Central Identities Data Repository in such manner as may be specified by regulations.

(3) On receipt of any request under sub-section (1) or sub-section (2), the Authority may, if it is satisfied, make such alteration as may be required in the record relating to such Aadhaar number holder and intimate such alteration to the concerned Aadhaar number holder.

(4) No identity information in the Central Identities Data Repository shall be altered except in the manner provided in this Act or regulations made in this behalf.

32. (1) The Authority shall maintain authentication records in such manner and for such period as may be specified by regulations.

(2) Every Aadhaar number holder shall be entitled to obtain his authentication record in such manner as may be specified by regulations.

(3) The Authority shall not, either by itself or through any entity under its control, collect, keep or maintain any information about the purpose of authentication.

33. (1) Nothing contained in sub-section (2) or sub-section (5) of section 28 or sub-section (2) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication records, made pursuant to an order of a court not inferior to that of a District Judge: Disclosure of information in certain cases.

Provided that no order by the court under this sub-section shall be made without giving an opportunity of hearing to the Authority.

(2) Nothing contained in sub-section (2) or sub-section (5) of section 28 and clause (b) of sub-section (1), sub-section (2) or sub-section (3) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication

records, made in the interest of national security in pursuance of a direction of an officer not below the rank of Joint Secretary to the Government of India specially authorised in this behalf by an order of the Central Government:

Provided that every direction issued under this sub-section, shall be reviewed by an Oversight Committee consisting of the Cabinet Secretary and the Secretaries to the Government of India in the Department of Legal Affairs and the Department of Electronics and Information Technology, before it takes effect:

Provided further that any direction issued under this sub-section shall be valid for a period of three months from the date of its issue, which may be extended for a further period of three months after the review by the Oversight Committee.

CHAPTER VII

OFFENCES AND PENALTIES

Penalty for impersonation at time of enrolment.

34. Whoever impersonates or attempts to impersonate another person, whether dead or alive, real or imaginary, by providing any false demographic information or biometric information, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or with both.

Penalty for impersonation of Aadhaar number holder by changing demographic information or biometric information.

35. Whoever, with the intention of causing harm or mischief to an Aadhaar number holder, or with the intention of appropriating the identity of an Aadhaar number holder changes or attempts to change any demographic information or biometric information of an Aadhaar number holder by impersonating or attempting to impersonate another person, dead or alive, real or imaginary, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to ten thousand rupees.

Penalty for impersonation.

36. Whoever, not being authorised to collect identity information under the provisions of this Act, by words, conduct or demeanour pretends that he is authorised to do so, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.

Penalty for disclosing identity information.

37. Whoever, intentionally discloses, transmits, copies or otherwise disseminates any identity information collected in the course of enrolment or authentication to any person not authorised under this Act or regulations made thereunder or in contravention of any agreement or arrangement entered into pursuant to the provisions of this Act, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.

Penalty for unauthorised access to the Central Identities Data Repository.

38. Whoever, not being authorised by the Authority, intentionally,—

- (a) accesses or secures access to the Central Identities Data Repository;
- (b) downloads, copies or extracts any data from the Central Identities Data Repository or stored in any removable storage medium;
- (c) introduces or causes to be introduced any virus or other computer contaminant in the Central Identities Data Repository;
- (d) damages or causes to be damaged the data in the Central Identities Data Repository;
- (e) disrupts or causes disruption of the access to the Central Identities Data Repository;
- (f) denies or causes a denial of access to any person who is authorised to access the Central Identities Data Repository;

(g) reveals any information in contravention of sub-section (5) of section 28, or shares, uses or displays information in contravention of section 29 or assists any person in any of the aforementioned acts;

(h) destroys, deletes or alters any information stored in any removable storage media or in the Central Identities Data Repository or diminishes its value or utility or affects it injuriously by any means; or

(i) steals, conceals, destroys or alters or causes any person to steal, conceal, destroy or alter any computer source code used by the Authority with an intention to cause damage,

shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to a fine which shall not be less than ten lakh rupees.

21 of 2000.

Explanation.—For the purposes of this section, the expressions “computer contaminant”, “computer virus” and “damage” shall have the meanings respectively assigned to them in the *Explanation* to section 43 of the Information Technology Act, 2000, and the expression “computer source code” shall have the meaning assigned to it in the *Explanation* to section 65 of the said Act.

39. Whoever, not being authorised by the Authority, uses or tampers with the data in the Central Identities Data Repository or in any removable storage medium with the intent of modifying information relating to Aadhaar number holder or discovering any information thereof, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to ten thousand rupees.

Penalty for tampering with data in Central Identities Data Repository.

40. Whoever, being a requesting entity, uses the identity information of an individual in contravention of sub-section (3) of section 8, shall be punishable with imprisonment which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.

Penalty for unauthorised use by requesting entity.

41. Whoever, being an enrolling agency or a requesting entity, fails to comply with the requirements of sub-section (2) of section 3 or sub-section (3) of section 8, shall be punishable with imprisonment which may extend to one year or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.

Penalty for non-compliance with intimation requirements.

42. Whoever commits an offence under this Act or any rules or regulations made thereunder for which no specific penalty is provided elsewhere than this section, shall be punishable with imprisonment for a term which may extend to one year or with a fine which may extend to twenty-five thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees, or with both.

General penalty.

43. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

Act to apply for offence or contravention committed outside India.

44. (1) Subject to the provisions of sub-section (2), the provisions of this Act shall apply also to any offence or contravention committed outside India by any person, irrespective of his nationality.

(2) For the purposes of sub-section (1), the provisions of this Act shall apply to any offence or contravention committed outside India by any person, if the act or conduct constituting the offence or contravention involves any data in the Central Identities Data Repository.

Power to investigate offences.

45. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a police officer not below the rank of Inspector of Police shall investigate any offence under this Act.

2 of 1974.

Penalties not to interfere with other punishments.

46. No penalty imposed under this Act shall prevent the imposition of any other penalty or punishment under any other law for the time being in force.

Cognizance of offences.

47. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorised by it.

(2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act.

CHAPTER VIII

MISCELLANEOUS

Power of Central Government to supersede Authority.

48. (1) If, at any time, the Central Government is of the opinion,—

(a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

(c) that a public emergency exists,

the Central Government may, by notification, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1), superseding the Authority,—

(a) the Chairperson and other Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the

Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and

(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other Members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for reappointment.

(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

45 of 1860. 49. The Chairperson, Members, officers and other employees of the Authority shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Members,
officers, etc.,
to be public
servants.

50. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the performance of its functions under this Act be bound by such directions on questions of policy, as the Central Government may give, in writing to it, from time to time:

Power of
Central
Government
to issue
directions.

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section:

Provided further that nothing in this section shall empower the Central Government to issue directions pertaining to technical or administrative matters undertaken by the Authority.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

51. The Authority may, by general or special order in writing, delegate to any Member, officer of the Authority or any other person, subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power under section 54) as it may deem necessary.

Delegation.

52. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Authority or the Chairperson or any Member or any officer, or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rule or regulation made thereunder.

Protection of
action taken
in good faith.

53. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power of
Central
Government
to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which and the authority before whom the oath of office and of secrecy is to be subscribed by the Chairperson and Members under sub-section (2) of section 14;

(b) the salary and allowances payable to, and other terms and conditions of service of, the Chairperson and the allowances or remuneration payable to Members of the Authority under sub-section (4) of section 14;

(c) the other powers and functions of the Chairperson of the Authority under section 17;

(d) the other powers and functions of the Authority under clause (i) of sub-section (2) of section 23;

(e) the form of annual statement of accounts to be prepared by Authority under sub-section (1) of section 26;

(f) the form and the manner in which and the time within which returns and statements and particulars are to be furnished under sub-section (1) of section 27;

(g) the form and the manner and the time at which the Authority shall furnish annual report under sub-section (2) of section 27;

(h) any other matter which is required to be, or may be, prescribed, or in respect of which provision is to be or may be made by rules.

Power of
Authority to
make
regulations

54. (1) The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder, for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the biometric information under clause (g) and the demographic information under clause (k), and the process of collecting demographic information and biometric information from the individuals by enrolling agencies under clause (m) of section 2;

(b) the manner of verifying the demographic information and biometric information for issue of Aadhaar number under sub-section (3) of section 3;

(c) the conditions for accepting an Aadhaar number as proof of identity of the Aadhaar number holder under sub-section (3) of section 4;

(d) the other categories of individuals under section 5 for whom the Authority shall take special measures for allotment of Aadhaar number;

(e) the manner of updating biometric information and demographic information under section 6;

(f) the procedure for authentication of the Aadhaar number under section 8;

(g) the other functions to be performed by the Central Identities Data Repository under section 10;

(h) the time and places of meetings of the Authority and the procedure for transaction of business to be followed by it, including the quorum, under sub-section (1) of section 19;

(i) the salary and allowances payable to, and other terms and conditions of service of, the chief executive officer, officers and other employees of the Authority under sub-section (2) of section 21;

(j) the demographic information and biometric information under clause (a) and the manner of their collection under clause (b) of sub-section (2) of section 23;

(k) the manner of maintaining and updating the information of individuals in the Central Identities Data Repository under clause (f) of sub-section (2) of section 23;

(l) the manner of omitting and deactivating an Aadhaar number and information relating thereto under clause (g) of sub-section (2) of section 23;

(m) the manner of use of Aadhaar numbers for the purposes of providing or availing of various subsidies, benefits, services and other purposes for which Aadhaar numbers may be used under clause (h) of sub-section (2) of section 23;

(n) the terms and conditions for appointment of Registrars, enrolling agencies and other service providers and the revocation of appointments thereof under clause (i) of sub-section (2) of section 23;

(o) the manner of sharing information of Aadhaar number holder under clause (k) of sub-section (2) of section 23;

(p) various processes relating to data management, security protocol and other technology safeguards under clause (m) of sub-section (2) of section 23;

(q) the procedure for issuance of new Aadhaar number to existing Aadhaar number holder under clause (n) of sub-section (2) of section 23;

(r) manner of authorising Registrars, enrolling agencies or other service providers to collect such fees for services provided by them under clause (o) of sub-section (2) of section 23;

(s) policies and practices to be followed by the Registrar, enrolling agencies and other service providers under clause (r) of sub-section (2) of section 23;

(t) the manner of accessing the identity information by the Aadhaar number holder under the proviso to sub-section (5) of section 28;

(u) the manner of sharing the identity information, other than core biometric information, collected or created under this Act under sub-section (2) of section 29;

(v) the manner of alteration of demographic information under sub-section (1) and biometric information under sub-section (2) of section 31;

(w) the manner of and the time for maintaining the request for authentication and the response thereon under sub-section (1), and the manner of obtaining, by the Aadhaar number holder, the authentication records under sub-section (2) of section 32;

(x) any other matter which is required to be, or may be, specified, or in respect of which provision is to be or may be made by regulations.

55. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both the Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Laying of rules and regulations before Parliament.

56. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Application of other laws not barred.

57. Nothing contained in this Act shall prevent the use of Aadhaar number for establishing the identity of an individual for any purpose, whether by the State or any body corporate or person, pursuant to any law, for the time being in force, or any contract to this effect:

Act not to prevent use of Aadhaar number for other purposes under law.

Provided that the use of Aadhaar number under this section shall be subject to the procedure and obligations under section 8 and Chapter VI.

58. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

169

Savings.

59. Anything done or any action taken by the Central Government under the Resolution of the Government of India, Planning Commission bearing notification number A-43011/02/2009-Admin. I, dated the 28th January, 2009, or by the Department of Electronics and Information Technology under the Cabinet Secretariat Notification bearing notification number S.O. 2492(E), dated the 12th September, 2015, as the case may be, shall be deemed to have been validly done or taken under this Act.

DR. REETA VASISHTA,
Additional Secy. to the Govt. of India.

Dm
f.c

170

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA NO. OF 2017

WRIT PETITION (CIVIL) NO. _____ OF 2017

(A Public Interest Litigation under Article 32 of the Constitution of India)

IN THE MATTER OF:

M.G. Devasahayam And Ors.

...Petitioners

Versus

Union of India And Anr.

....Respondents

AN APPLICATION FOR INTERIM RELIEFS

To

The HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONER ABOVENAMED

MOST RESPECTFULLY SHEWETH:

1. The Petitioner has filed the accompanying writ petition under Article 32 of the Constitution of India in public interest challenging inter alia the Constitutional validity of Rule 9 of the Prevention of Money Laundering Rules, 2017 as amended by the Prevention of Money Laundering (Second Amendment) Rules, 2017 (hereinafter, "**Impugned Provision**").

2. The aforementioned petition also challenges the impugned provision wherein it has been made mandatory for all bank account holders to link their accounts with Aadhaar.
3. The petition raises various issues, including among others, protection of fundamental rights under Article 14, 19 and 21 of the Constitution of India. The Petitioner submits that the accompanying writ petition may be treated as part and parcel of this application and the contents of the same are not repeated herein for the sake of brevity.
4. It is submitted that this Hon'ble Court is already in session of a batch of writ petitions challenging the Aadhaar project. The matter is pending adjudication before this Hon'ble Court. In the previous writ petitions, this Hon'ble Court passed a series of interim orders directing the Respondents to not make Aadhaar number a mandatory requirement for availing any service, subsidy and benefit, which the individual is otherwise entitled to. Notably, a Constitution Bench of this Hon'ble Court vide interim order dated 15.10.2015, inter alia, held that

"5. We will also make it clear that the Aadhaar card scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court one way or the other."

5. In spite of the repeated directions given by this Hon'ble Court to not make Aadhaar number a mandatory requirement, the Respondents by way of the impugned provisions seek to not only make Aadhaar number a mandatory requirement for various purposes such as opening and maintain bank account and to have a mobile number, but
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also a host of other schemes such as the mid-day meal scheme, public distribution systems etc by virtue of notifications passed under Section 7 of the impugned Act.

6. The Respondents have given the deadline of 31st December 2017, for getting an Aadhaar number to ensure that people are not denied services such as Banking, rations under PDS, mid-day meals etc. For the mandatory Aadhaar-mobile linking, the deadline is specified as February 2018.
7. It is submitted that a strong prima facie case has been made out in the application and the accompanying writ petition for violation of Article 14, 19 and 21 of the Constitution of India. It is submitted that the present writ petition is a bona fide public interest to prevent violation of basic human rights that have already occurred as a result of the Aadhaar project and which violations will escalate in the future unless checked by this Hon'ble Court. It is submitted that it is incumbent on this Hon'ble Court to come to the aid of the citizens/residents and extend interim protection to prevent the Respondents from making various rights and entitlements subject to such an onerous and unconstitutional condition. In such circumstances, the balance of convenience would lie in grant of interim orders in terms of the prayers made herein.
8. Further the continued operation of Clause 7 of the Aadhaar Data Security Regulations 2016 which makes the authority completely opaque and militates against public accountability causes grave prejudice against the very objective of the Act which includes transparency and is *prima facie* against the provisions of the Right to

Information Act. Further in such circumstances, the balance of convenience would lie in grant of stay against the said provision inasmuch as it would only be furthering the objective of transparency in the interim and would only continue the status of the authority as it always was for nearly seven years before the said clause came into effect.

PRAYERS

In the foregoing circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Pass an order staying the operation and implementation of Rule 2(b) of the Prevention of Money-laundering (Maintenance of Records) Second Amendment Rules, 2017 which seeks to amend Rule 9 of the Prevention of Money-laundering (Maintenance of Records) Rules, 2005, pending the hearing and final disposal of the petition;
 - b) Pass an order staying the operation of Section 7 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits & Services) Act, 2016.
 - c) Pass an order of injunction restraining the Respondents, their officers and agents from taking any coercive steps against individuals under any rule, regulation, by-law, notification or circular to either enrol for Aadhaar or link their Aadhaar numbers or Aadhaar enrolment numbers with any service whatsoever including Bank Accounts and mobile telecommunications;
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- d) Pass *anex-parte* ad interim order in terms of prayers (a) to (c) herein above and confirm the same after Notice of Motion, pending the hearing and final disposal of the petition; and
- e) Pass such other order(s)/direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL, AS IN DUTY BOUND, EVER PRAY

Filed on: 14/10/2017

(DEEPAYAN MANDAL)
Advocate for Petitioner